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LETTERS ON THE ELDER QUESTION.

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## LETTERS ON THE ELDER QUESTION.

No. I.

January 20.

*My Dear Sir.*—With your permission it is my design to present to the readers of your paper some strictures upon the protests, complaints, and appeals of Dr. R. J. Breckinridge and others, and also upon the two speeches of Dr. B. recently published in the Presbyterian.

Had the Synod of Philadelphia re-affirmed the decisions of the last General Assembly respecting “a quorum of Presbytery” and “the imposition of hands in ordination” the Rev. Dr. and his friends might have had some pretext for protesting against the decisions of the Synod; but when the Synod did nothing more than simply refuse to unite with Dr. B. in condemning the decisions of the last Assembly, to make this refusal a ground for protest, complaint, and appeal is certainly something new under the sun. What are the simple facts in the case? Dr. Breckinridge presented to the Synod two papers condemnatory of two acts of the last Assembly. Without affirming or denying the truth or falsehood of the several positions assumed by Dr. B. in his argumentative resolutions, the Synod simply decided not to adopt them. Whereupon the Rev. Dr. immediately writes two protests against the decisions of the Synod, and the first reason assigned in one of them for protesting is that the decision is contrary to the word of God; and the second reason is that the decision is contrary to the Constitution of the Church. Now I am well aware of the Dr.’s ingenuity, but I very much question whether he will be able to establish it, that the refusal of the Synod to adopt a resolution submitted by himself or by any body

else is contrary to the word of God and the constitution of the Church. And should the next Assembly sustain his complaint or appeal, it will be an affirmation on the part of that body that the Synod had no right to waive an expression of opinion on the subject submitted by Dr. B. or indeed upon any subject, which Dr. B. may be pleased to bring before the Synod. This once established, it follows that every ecclesiastical body in our connexion is bound to express an opinion directly on every matter that any one belonging to the body may choose to bring before it.

But let me next inquire, in virtue of what provision in our Constitution does Dr. Breckinridge make the refusal of the Synod to adopt his views a ground for judicial proceedings? In making this inquiry I do not take the ground, which if I am not deceived Dr. B. himself has taken, viz. that no complaint or appeal can lie except in cases judicially decided. If any individuals be personally aggrieved by any decision of Session, Presbytery, or Synod, such individuals have a right to seek redress by complaint or appeal, and others may complain of the wrong done. But of what right or privilege has the refusal of the Synod of Philadelphia to adopt Dr. B.’s propositions deprived any one? Whether the Constitution of the church makes or does not make the presence of a ruling elder essential to a quorum of Presbytery; or whether it authorizes or does not authorize Ruling Elders to impose hands in the ordination of ministers, is the refusal of the Synod to express an opinion in conflict with the constitution? If before the refusal of the Synod to sanction Dr. B.’s propositions,

there could be no quorum of Presbytery with out an elder being present, and if a ruling elder could impose hands; this state of things is not altered by the decision of the Synod.— Where then is the ground of complaint or of appeal?

If these views are correct, it would be perfectly preposterous for the next Assembly to listen to the complaint or appeal. That Dr. B. felt the awkwardness of his position, is evident from the fact that he was evidently at a loss whether to enter a complaint or an appeal, leaving it to the judgment of the next Assembly to say, whether he should be permitted to complain or appeal. He has no right to do the one or the other. It would be a flagrant abuse of the privilege of submitting overtures to Presbyteries and Synods, to make the rejection of them a subject of judicial proceeding.

In my next communication, I shall enter upon a review of Dr. B.'s statements and reasonings in his speech on the Quorum Question; but as so much has already appeared on this subject, I shall confine myself chiefly to the points not handled by others. With the most sincere respect and esteem, yours,

JOHN MACLEAN.

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## II.

January 27.

*Mr. Editor*—Before entering upon an examination of Dr. Breckinridge's argument to prove that the decision of the last Assembly, respecting a quorum of Presbytery, is opposed to the constitution of our church, I beg leave to make a few prefatory remarks.

1. For the right decision of the matter in dispute, we have nothing to do but to ascertain the true import of the rule, in our "Form of Government," which says: "Any three ministers, and as many elders as may be present belonging to the Presbytery, being met at the time and place appointed, shall be a quorum competent to proceed to business."

2. If this rule is not in accordance with the sacred Scriptures, or if it is in conflict with

that article of the constitution which defines what a Presbytery is, or if it is found to be injurious in its operation, let it be altered. Yea further, if the rule is not acceptable to any considerable number of our ministers and elders, although they should be a decided minority, let the rule be changed. It is but a mere municipal rule which may be, at any time, modified so as to suit the convenience or inclination of those by whose consent it has the force of law.

3. The Assembly has expressed no opinion, in regard to the expediency or propriety of the rule, but has simply said that in the judgment of the Assembly it is perfectly consistent with the rule as it now exists, for any three ministers of a Presbytery being met at the time and place appointed, to proceed to business. And in the answer to the protest presented to the Assembly against this decision, the Assembly observes, "If our protesting brethren think that the cause of truth and order would be promoted by the practice which they wish to introduce, let them propose a change in the language of the Constitution. It would be an easy matter to say, 'Any three ministers, and one, two, or three Ruling Elders belonging to the Presbytery, being convened at the time and place fixed for meeting, shall be a quorum competent to proceed to business.'" Would not the most peaceful course, and the one most likely to unite all concerned, have been, to submit an overture to the Presbyteries, requesting them either to modify the rule, or to give it such an authoritative construction, as would make it accord with the views of those who now maintain that the terms of the rule require the presence of one or more elders in order to make a quorum of Presbytery?

4. If in giving the judgment they did, the Assembly erred, would it not have been sufficient for the correction of the error, to point out clearly that there was an error? There surely could be no necessity for Dr. Breckinridge to give utterance to the perfectly gratuitous charge against the clergy, of being under "that unhappy and dangerous prepossession, which seems to characterize the feelings and

opinions of our ministers upon every question touching the position and rights of the ruling elders, and to threaten the church with the terrible calamity of the permanent subjugation of these last named officers, and as must inevitably follow, the overthrow of the freedom of the church." Need I characterize such an aspersion in the way it deserves? I presume that there is very little reason to fear, I should hope none, that Dr. Breckinridge will succeed in his attempt to excite the jealousy of the elders against the ministers of the church.

5. The decision of the Assembly prevents no elder from being present at every meeting of his Presbytery; it interferes with the exercise of no one of his rights, when present; and without the concurrence of the elders themselves, there can never be a quorum of Presbytery without one or more of them being present; for there can be no meeting of Presbytery, unless every session within the bounds of the Presbytery be apprised of the meeting, and have an opportunity to commission one of their number to attend it; and the last assembly gave it as their judgment, that it was not only the right and the privilege of the elders when thus commissioned, but also their duty to be present at the meetings of the Presbytery. But while the Assembly regarded it as the duty of the elders when commissioned for the purpose to attend the meetings of Presbytery, they recognized the fact that the constitution gave the Presbytery no power to compel the elders to be present at their meetings; and although Dr. Breckinridge treats the ideas as absurd, and worthy only of contempt, yet it is nevertheless a fact, as fully shown by Chancellor Johns, in his communication to the "Presbyterian," that the constitution has given to the Presbyteries no such control over the elders as that for which Dr. B. contends. Whether it should have given the power or not, I shall not now undertake to discuss. But is it not a little strange, that Dr. B. who would fain have himself regarded as the great asserter of the rights of ruling elders, should be for abridging the liberty of the elders, and for making that compulsory, which in regard

to them the constitution has made voluntary? It may be well for the reader to compare chapters x. 3, 5, and xii. 2, of our Form of Government, and observe the difference in the form of expression, when mention is made of churches being represented in presbyteries, and of the Presbyteries themselves in the General Assembly.

Lest I trespass against the rules laid down with respect to articles on this subject, I shall defer my examination of Dr. Breckinridge's argument until next week. With the most sincere respect, yours.

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### III.

February 3.

*Mr. Editor*—To show that the decision of the Assembly, respecting a quorum of Presbytery, is contrary to the constitution of our Church, Dr. Breckinridge observes, "If ruling elders are essential to the composition of a Presbytery, and a quorum of Presbytery is actually and potentially a Presbytery, then by the terms of the proposition, ruling elders are essential to the formation of a quorum." To prove that ruling elders are essential to the composition of a presbytery, he cites "Form of Government," x. 2. "A Presbytery consists of all the ministers and ruling elders from each congregation within a certain district." The attentive reader cannot fail to perceive, that this argument no more proves that both ministers and elders are necessary to a quorum, than it does that all the ministers and an elder from each congregation are necessary to a quorum. If it proves the latter, the other is a fair inference; otherwise it is any thing else than a just inference. Of all the men in our Church, Dr. Breckinridge, it seems to me, is the last who should insist, that the presence of both ministers and ruling elders is essential to a quorum of Presbytery. Does he not hold, that when they are ordained, it is not as ministers and as ruling elders, composing two distinct orders, but as presbyters of one and the very same order, and on precisely the same footing; so

much so, that if a ruling elder should become a preacher, he requires no other ordination than that which he received, when he was set apart to the office of ruling elder? Does he not also hold to the position, that the ministers as well as the ruling elders are rightfully members of Presbytery only in virtue of their being delegates from individual churches? If so what reason can there be for his asserting that both ministers and ruling elders are essential to a quorum? They are according to Dr. Breckinridge equally presbyters, equally representatives of the people, and as members of Presbytery there is no distinction whatever between them. Why then needlessly make a distinction? Would it not accord better with Dr. Breckinridge's views of Presbyterian church government, to maintain that the provision in our "Form of Government" requiring a given number of ministers to make a quorum is in violation of the rights of elders, and that as the elders are competent to all the duties of presbyters, they can be, and ought to be of themselves a quorum, in case the ministers are all absent? But I waive further remarks on this point, and without the least hesitation, I concede to Dr. Breckinridge that "a quorum of a Presbytery is actually and potentially a Presbytery," and that a quorum of any Presbytery, say that of Baltimore, is that Presbytery. But does this mean, that in all cases a quorum is composed of "all the ministers and a ruling elder from each congregation within a certain district?" No one will maintain this, and if so, then as a quorum of a Presbytery is a Presbytery, there can be a Presbytery without all the presbyters being present. And if there can be a Presbytery without all the presbyters being present, from what does it appear, that all the ministers may not be absent, and that yet there may be a Presbytery? Surely not from the definition, which only designates the persons of whom the Presbytery is composed. As to the point, who and how many of the individuals thus designated must be present in order that business may be transacted, it determines absolutely nothing. Were there in the constitution

no specific provision to regulate this matter, then according to the law, as Dr. Breckinridge styles it, "of common sense, and of common practice of deliberative bodies," a majority of the whole number would be the quorum. And if the ruling elders commissioned to attend any given meeting of Presbytery were a majority of the whole number of presbyters, then in the absence of all specific provision on the subject, according to the above named law "of common sense and of the common practice," they, if met at the time and place appointed, would be a quorum, even in the absence of all ministers, unless certain duties were by the constitution assigned to the Presbytery, which implied, and which for their proper discharge required, the presence of one or more ministers; for in the definition of the term Presbytery there is nothing to prevent their being, for the occasion, the Presbytery, though there be not a minister present. So on the other hand, there is nothing in the definition of a Presbytery which could prevent the ministers, if they were a majority of all the presbyters, from being for the occasion the Presbytery, even in case all the ruling elders were absent. Nor is there any thing in the definition of the term "Presbytery" which makes it necessary to include both ministers and elders, in any specific provision regulating how many and what presbyters shall be a quorum; and if all the duties assigned to the Presbytery could be discharged by the presbyters indiscriminately, it might be sufficient to fix merely the number requisite for a quorum. What is the import of the rule we now have on this subject, I shall discuss in a subsequent number.

"The House of Lords" in Britain consists of "the Lords spiritual and temporal," and yet we have the authority of the learned annotator on the Commentaries of Blackstone, for saying, "That unless precedents could be found to the contrary, there seems to be no reason to doubt, that any act at this day would be valid, though all the temporal lords or all the spiritual lords were absent." From the 4th Book of Blackstone, chapter 19, we learn,

that when the House of Lords sit as a court for the trial of capital offences, the spiritual lords always withdraw. "There is," says Blackstone, "no instance of their sitting on trials for capital offences," and although in these cases they usually withdraw under protest, and asserting their right, to sit as members of the court, yet we never hear of their asserting, or any body for them, that there can be no quorum or no court in their absence. And it is, I believe, a well known fact, that during the transaction of the ordinary business of the House of Lords, it is very often the case that there is no bishop present. Here then we have a case in which a house is composed of two distinct classes of persons, and yet in the absence of one class any business whatever may be transacted, to which the whole body is competent. Here then too we have a perfect illustration of the position we maintain, that although a Presbytery consists of two distinct classes of persons, it by no means follows that no business can be done, unless some of both classes be present. This depends entirely upon the fact whether or not there is in the Constitution, any specific provision requiring some of both classes to be present. Or in other words it brings us to the simple question what is the true import of that section, which says, "Any three ministers, and as many elders as may be present belonging to the Presbytery, shall be a quorum competent to proceed to business."

As introductory to the argument on which I have been commenting, Dr. Breckinridge quotes from our Form of Government, VIII. 1. to prove, what no Presbyterian has ever denied, and which I believe as fully as Dr. Breckinridge himself, that the church is to "be governed by Congregational, Presbyterial, and Synodical Assemblies," and that church government is not in the hands "of church officers individually considered." For the same purpose he cites the language of the Westminster Assembly, of the Second Book of Discipline, of the Scottish Assembly of 1647, of Henderson and the other Scottish Commissioners to London, whose language

accords fully with the words of our Constitution, and which declares, to quote the words which Dr. Breckinridge seems to regard as strong as any other, if not the strongest, cited by him, viz: those of the Assembly of 1647, "That Ecclesiastical government is committed and entrusted by Christ to the Assemblies of the Kirk, made up of ministers of the word and Ruling Elders." And after all what more is here meant than simply this, that all assemblies having any thing to do with the government of the Church consist both of ministers and Ruling Elders. Nothing is determined as to the point whether all the ministers or all the Ruling Elders may be absent, and yet business be transacted. The language may indeed imply, that there can be no lawful assembly, if either class be excluded from the meeting, but it by no means implies that the voluntary absence of one class shall disqualify the other from attending to the ordinary business of the body, and more especially if the persons present be a majority of the whole body. The doctrine of the Scottish church is, that "an Assembly is null, where no elders are commissioned," not if none be present. See Stuart of Pardovan, I. 15, 4. The voluntary absence of the Elders does not vitiate an Assembly. Dr. Breckinridge tells us, that "the Assembly of 1633, the most memorable except that of 1843, annulled as utterly illegal, no less than six preceding and as they called them, pretended assemblies, to wit, those of 1606, 1608, 1610, 1616, 1617, and 1618," and he adds, "Amongst the reasons assigned for this immense stretch of authority, in five cases out of six, one reason is, that there were no Ruling Elders present in these Assemblies, in some none being lawfully commissioned, in others none lawfully sent." From his own statement, it is evident that it was not the absence of the Elders, that vitiated the Assemblies, but the fact that those present were not lawfully commissioned, or lawfully sent as delegates to these Assemblies; and yet Dr. Breckinridge would have us regard these entirely distinct propositions as one and the same, just as in the case previously considered, he views it as the same thing to prove

that a Presbytery consists of both ministers and elders, and to prove that there can be no meeting of Presbytery, unless there be both ministers and elders present.

In both cases he proves one thing, and considers this as proving another and an altogether distinct thing. If the House of Lords should resolve, that on a given day the bishops should not attend, this would be an unconstitutional act, and the house could not be legally constituted; but if having full liberty to be present the bishops choose to be absent, this could occasion no impediment to the transaction of ordinary business. Who can fail to see that between the constrained and the voluntary absence of members there is the widest possible distinction! In the one case the absence would render the acts of those present null; in the other the acts would be valid. If in the Assemblies condemned by that of 1638, there had been no elders present, it would have made an essential difference, whether their absence was owing to their own free choice, or to the fact that the Presbyteries were forbidden, or not permitted, to commission elders to attend said Assemblies. Yet this obvious distinction Dr. Breckinridge has entirely overlooked. But in these Assemblies there were elders present, not indeed freely chosen and commissioned by the Presbyteries, but selected by the king, who would not permit the Presbyteries to send such commissioners as they thought best, and who, in the case of the elders, summoned them to attend, and without even requiring the Presbyteries to give them commissions, as he did in the case of the ministers.

In Calderwood's History of the Church of Scotland, a history "written at the appointment of the General Assembly, and by the Assembly, revised and examined and approved for the press," and the author of which was the associate and friend of both the Melvilles, and of Henderson, we have an account of these condemned Assemblies, and we find one of the objections to have been, not that there were no elders present, but that those present, or a large proportion of them, had

been irregularly appointed. In his account of the Assembly of 1606, Calderwood gives the names of not less than twenty-seven laymen who were members of this Assembly.—At the Assembly of 1608, he tells us, "There were present above forty noblemen and gentlemen directed by the king to be present." And again he speaks of "the Earls, Lords, Barons, and Gentlemen, sent for by the king, *wanting commission*," as voting for Mr. James Law, the candidate "of the corrupt side," to be moderator of the Assembly. The phrases "wanting commission," and "sent for by the king," clearly point out the nature of the objection to their being members of the Assembly, and to the Assembly itself, the elders in which had not been regularly and lawfully commissioned by their respective Presbyteries. Of the Assembly of 1610, he says, "Noblemen, Barons, Bishops, and others, *who had no commission from Presbytery or Synod*, were present to make all sure by plurality of votes, if there had been need." He had previously remarked, "Whereas the General Assembly ought to consist not only of ministers but also of Barons and commissioners from burghs, *freely chosen, &c.*;" and again, "This Assembly was intimate only by missives to such Ministers and Barons, as it pleased the king with the advice of the bishops, to call to that meeting." Of the Assembly of 1616, Calderwood observes, "A number of Lords and Barons sat there, but *had not lawful commission*." Of the Assembly of 1617, nothing is said respecting the persons present, though it is mentioned, that at the Diocesan Synods, there were commissioners chosen for the General Assembly before it was indicted, and that "*there was no freedom in the election*." As members of the Assembly of 1618, we have given the names of sundry Lords, Barons, and Burgesses; and it appears that some of these at the least, had not been "chosen with consent of the Presbyteries."

From this statement taken from Calderwood, the reader can see that it was not the voluntary absence of ruling elders that vitiated the Assemblies of 1607, 1608, 1610, 1616, 1617

and 1618, but the want of a regular commission from the Presbyteries. The condemnation therefore of these Assemblies, by that of 1638, has nothing to do with determining the question whether in the Church of Scotland, the voluntary absence of ruling elders from the regular meetings of Presbytery, Synod, or General Assembly, is a bar to the transaction of business by the ministers. To answer Dr. Breckinridge's purpose, he must produce a case, in which the Church of Scotland has condemned the proceedings of a Presbytery, Synod, or General Assembly, on the ground of the voluntary absence of ruling elders. This I am confident he cannot do.

In my next communication I shall have something further to say on the law and practice of the Church of Scotland, to which Dr. Breckinridge has appealed with so much confidence.

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#### IV.

February 10.

*Mr. Editor*—In my last number I pointed out two instances in which Dr. Breckinridge had taken the proof of one thing for the proof of another. In the present number I shall give one or two more examples of the same kind.

"According to the settled law of the Scottish church," says Dr. Breckinridge, "every church court, in which ruling elders *do not sit*, is illegal, and all its acts are null." In support of this proposition laid down without any qualification, and as I hope to show, without any authority, he adduced the case of the condemned assemblies of 1606, 1608, 1610, 1616, 1617, and 1618. That the condemnation of these assemblies affords no support to his assertion respecting the law and the practice of the Scottish Church, I showed from his own statement of the case, and from the facts mentioned by Calderwood in regard to these assemblies. I shall now examine his other statements on this subject, and in as few words as possible. "Steuart of Pardovan," says Dr. Breckinridge,

"declares that neither the constitution of the Church nor the law of the land, in Scotland, 'do authorize any other ecclesiastical judicatories but Assemblies, Synods, Presbyteries, and Kirk Sessions, or their committees, consisting of ministers and ruling elders;' that 'no ecclesiastical judicatory or committee thereof can be lawful without consisting of both ministers and elders,' and he expresses a doubt whether the State would recognize or correspond with any bodies not thus composed." This statement Dr. Breckinridge regards as establishing his position; but the fact that an Assembly, a Synod, a Presbytery, or a committee of any one of these must always consist of ministers and elders is no evidence that there cannot be a quorum of any of them, if either the ministers or the elders be absent. The only point in which this statement differs from those quoted by Dr. Breckinridge from the "Form of Government" agreed upon by the Westminster Assembly, from the "Second Book of Discipline," from the Acts of the Assembly of 1647, &c., considered in my third number, is simply this, that committees are mentioned by Steuart as also consisting of ministers and elders. Granting what I do not however believe to be the fact, that Steuart designed these remarks respecting committees to apply to other committees than those known also by the name of commissions, yet they come very far short of proving what it is Dr. Breckinridge's aim to prove, viz. that "according to the settled policy of the Scottish Church, every church court is illegal in which ruling elders *do not sit*." All that Steuart says, and all that can be made out of his language, even upon the admission that all committees whatever are included in his remarks, is no more than this, that every Presbytery, Synod, and General Assembly, and every committee of these bodies is composed of ministers and ruling elders, and that their acts are illegal, if either ministers or elders be excluded from them, and not as Dr. Breckinridge would have us believe, if either ministers or elders of their own accord absent themselves. That I am correct in this statement is evident from the fact, that when Steu-

art says, "But the commission consisting of both ministers and elders, without which no ecclesiastical judicatory or committee can be lawful," he refers for proof, and it is his only authority, to the fourth section of the same chapter. "An Assembly is null where no ruling elders are commissioned." Had Dr. Breckinridge taken the pains to refer to this section, he would perhaps not have fallen into the mistake he has, and confounded the phrase "in which Ruling elders do not sit," which is his own, with the phrase, "where no Ruling Elders are commissioned," which is Stewart's. In Book I. 15. 1, speaking of Presbytery, Stewart says, "This judicature consists of all the pastors within the bounds, and one ruling elder from each parish therein, who receives a commission from the eldership to be a member of the Presbytery, and to represent them there until the next Synod be over. Thus twice a year there are new elections of ruling elders." As the Scottish Synods met twice in a year, the Elders were chosen for six months, and for this space of time they were members of Presbytery whether present or absent, for it was not their presence at the meetings, which were formerly required to be held every third week, but their commission to represent their respective Kirk Sessions that made them members of Presbytery. What more difficulty therefore could there have been in naming them members of committees, than, as is often done with us, in naming as members of committees absent ministers, and, I may add, absent elders too? Dr. Breckinridge, I presume, has hardly reached the point of denying that a person can be appointed a member of a committee unless he be actually present at the time such appointment is made. If actual presence is not essential to an appointment as a member of a committee, there could be no practical difficulty in the way of transacting all the ordinary business of a Presbytery, even upon the suppositions, that there were none of the regularly commissioned elders present, and that no committee whatever can consist of ministers alone. Those absent might be named members of committees, and whenever they happened to

be present they could without further instructions act with the other members. That in the earlier periods of the Scottish Church no such doctrine was held as this, viz., that there could be no committees of any ecclesiastical court, except such as were composed of both ministers and elders, is evident from the very first sentence of the paragraph from which Dr. Breckinridge makes his quotations, and which is in these words; "Some few years ago, the Presbyteries of this church, conform to what had been practised, did delegate one of their number, being a minister, to repair to the city where the parliament did sit, and during that time attend and watch *ne quid detrimenti caperet ecclesia*." That committees consisting of ministers only were frequently appointed during the times of Knox and Melville, evidence the most ample is furnished by Calderwood in his history. Both Knox and Melville were members of committees so composed. Messrs. Knox and Craig, both ministers of Edinburgh, were appointed by the General Assembly of 1565, a committee "to set down the form of exercise which was to be used at the public fast, and to cause print it, which they did." Andrew Melville was a member of a most important committee consisting only of ministers, and appointed by the Assembly of 1575, and of another appointed by the Assembly of 1577. And in 1578, the very year that Melville was Moderator of the General Assembly, a committee of three ministers was appointed to present to the King and to the council copies of the "Second Book of Discipline," and before presenting them to compare them with the original, and to see that they were correct. By the General Assembly of 1595, he was appointed one of a commission consisting of nine ministers, and of these nine only, to advise the King in regard to the choice of chaplains, and his nephew Mr. James Melville is the first named in a commission of eight persons, all ministers, to visit the colleges, and to try the discipline, doctrine, &c. of the teachers; and these appointments were made at a time when Andrew Melville's influence was at its height. If Melville was "as learned



as Calvin, and as bold as Knox," and if the "Second Book of Discipline" is "the clearest and noblest monument of church order," it can be no very great aberration from Presbyterian order, at least in Dr. Breckinridge's estimation. I take it for granted, to conform to the practice of the Church of Scotland, when that book was her law, and Melville her most influential minister. That Steuart has reference chiefly if not exclusively, to the committees which are authorized to determine in matters committed to them, and not merely to report to the Assemblies for their action, and which committees are otherwise called commissions, is evident, I think, from the connexion in which his remark respecting the composition of ecclesiastical courts and their committees occurs. The section, in which the passages cited by Dr. Breckinridge are found, treats of "Delegates appointed to Parliaments." But be this as it may, and I am perfectly willing to concede to Dr. Breckinridge, that Steuart has reference to all committees and sub-committees whatever; yet he does not say, that no Assembly, Synod, Presbytery or Committee cannot transact business, unless Ruling Elders be present; but merely that these bodies must be composed of both ministers and elders; which is a very different thing from the other. Confounding the composition of these bodies with the individuals requisite to a quorum, Dr. Breckinridge argues, both against the fact in the case, and the clear import of the terms, that according to the Scottish rule, there can be no meeting of a commission of a General Assembly, and no meeting of a Presbytery, unless Ruling Elders be present. Steuart tells us, page 44, "That the Directory for Government saith, 'That to perform any classical act of government or ordination there must be present, at least, a major part of the ministers of the whole *classis*'" (i. e. Presbytery,) and not one word about the presence of Ruling Elders; and yet in the very face of this statement, Dr. Breckinridge insists that the meeting would be illegal, unless one or more Ruling Elders be present, not because Steuart, or any other authority, says so, but because mistaking the import of Steuart's language, respecting the composition of a Presby-

tery he imagines that Steuart held this view of the matter.

"In the printed Acts of the Scotch Assemblies" says Dr. Breckinridge, "I have before me repeated acts of successive Assemblies from 1638 to 1649 appointing their standing 'Commission for the public affairs of the Kirk.' These acts name first a large number of ministers, then a large number of Ruling Elders, who are directed to meet on a day certain, at a place fixed, and afterwards 'as they shall think good,' and then 'gives and grants unto them, or any fifteen of them, there being twelve ministers present, full power and commission, &c.'" What is the plain and only meaning of this language? Can it mean any thing else than this, that if any fifteen commissioners, not less than twelve being ministers, meet as directed, they have full power and commission? If all the fifteen be ministers, the limitations in the grant are complied with: and so they are, if twelve of them be ministers, and three of them be elders, which is all that Bailie, another authority cited by Dr. Breckinridge, says or means, when in his journals of the Assembly of 1643, he states "an ample commission was drawn to a number of the ablest in the whole land, whereof twelve ministers and three elders are a quorum." This, however, is not at variance with the obvious import of the acts of the Assemblies, which fix the quorum at fifteen, and require that of these fifteen at least twelve shall be ministers, while it is evident that the whole fifteen may be ministers. At the present day, the whole Assembly is the Commission, and the number requisite to a quorum has been enlarged; of this number twenty-one must be and all may be ministers.

After citing Steuart of Pardovan, Dr. Breckinridge says, "I have discovered a very curious fact, strongly illustrative of the subject new before us, in which the commission of the Scottish Assembly of 1643, in appointing a special commission of itself had its attention directed to the very principles for which I now contend, and fully recognized them in one of the most interesting acts, and in its issues one of the most important ever performed by a church court. It was on the occasion of ap-

pointing commissioners to the Westminster Assembly." Baillie insisted, and finally succeeded in his effort, that with the ministers appointed commissioners, some elders should be associated, and of the reasons assigned by Baillie in favour of this measure, Dr. Breckinridge quotes the following: "The *excluding* the ruling elders from a commission of this nature, may call in question the validity of the commission, may hazard the approbation of it by the next General Assembly, may give just offence to all ruling elders, may make all the actions of these ministers more unpleasant, and of less authority with the body of the nation." "The result," says Dr. Breckinridge, "was the recognition of the principle, that ruling elders must regularly be members of all assemblies whose constituent parts are preaching and ruling elders, and even of all commissions and sub-commissions of them, whether general or special, and three ruling elders, the Earl of Cassilis, Lord John Maitland, and Johnston of Waristoun were united with the ministers Henderson, Douglass, Rutherford, Baillie, and Gillespie, as commissioners on the part of the Kirk of Scotland to the Westminster Assembly." If by the ambiguous language "that ruling elders must regularly be members of all assemblies whose constituent parts are preaching and ruling elders, and even of commissions," Dr. Breckinridge means to say merely that the principle was recognized, that all assemblies for the government of the church, and all commissions of these assemblies must consist of both ministers and elders, I object not to his statement; but if he means more than this, and maintains that in the appointment of elders on this occasion there was a recognition of the principle, that no assembly, or commission, can transact the business committed to it unless both ministers and elders be present, I do object, and I will at once produce the evidence that his inference is unfounded, and that too from his own authority. In his journal of the Assembly of 1643—Baillie has the following passage, "Friday, the 18th, a committee of eight were appointed for London, whereof, *any three*, were a quorum. Mr. Henderson, Mr. Douglass, Rutherford, Gillespie, I, (Bail-

lic,) Maitland, Cassilis, and Waristoun." From this it is evident beyond all dispute, that although the commission consisted of both ministers and elders, the three elders would have been a quorum,\* or any three of the five ministers; and that this latter case actually occurred, is but beyond all dispute, by Baillie's letter to Mr. David Dickson, of the date of Oct. 27, 1646, in which letter he urges Mr. Dickson to unite with Lord Waristoun in obtaining his desire, and that of Mr. Rutherford, to have permission to return home, and in the course of the letter he thus writes, "and we do think that the matters are likely to draw out so extremely long, that it will be enough for one to wait on, and however Mr. Gillespie would be as gladly loosed as any of us, yet if any stay, without all question, all things well considered, he is the meetest of the three. But the commission possibly will leave to ourselves which of the three shall be left, only I pray you to press a dismissal for two." Now I conceive, we have here a confirmation of what, in opposition, to Dr. Breckinridge, I contend for, viz, that although a judicatory or a commission consist of both ministers and elders, it is not necessary on that account, that both ministers and elders must be present in order to form a quorum for the transaction of business. And the only matter for surprise is, that if Dr. Breckinridge was aware of the facts just stated in regard to the quorum of the commission to the Westminster Assembly, he should not have been led to see the error which pervades his whole speech and which is the foundation of all his false reasonings and inferences, viz, that because an assembly consists of two classes of persons, there can be no quorum unless some of both classes be present. That this was not the case in the Commission to the Westminster Assembly, I think Dr. Breckinridge will hardly venture to dispute; and with as little reason can he maintain, that under the law of the Scottish Church, there can be no meeting of a Presbytery, unless Ruling Elders be present. We all agree that under the constitution of

\* See letter of April 6th.

the Scottish Church, as well as under our own a Presbytery consists of both ministers and elders.

That even Baillie did not consider it necessary for all committees and sub-committees to be composed of both ministers and elders is evident, from the form of expression used by him "commission of *this nature*," and also from the fact, that in his letter of the date of October 1, 1647, he speaks of a declaration which was committed to himself and another minister, viz. Mr. Gillespie, and which he says was approved by the Assembly of that year. Other evidence, full and decisive on this point, might be given from his letters, but as it is not material to the decision of the matter in hand, I shall omit it.

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V.

February 17.

*Mr. Editor*—Having shown in the preceding numbers that the law of the Church of Scotland affords no countenance to the position assumed by Dr. Breckinridge, viz. that no assembly of the Church can lawfully transact its regular business unless both ministers and elders be present at its meetings; I propose now to give the evidence, that the views of Dr. Breckinridge are equally at variance with the express provisions of our own constitution. But before doing this, let me remind the reader that between Dr. Breckinridge and myself there is no difference of opinion, as to these three points, 1. That according to our constitution every assembly of the Church, taken in its widest sense as comprising all who belong to the body and have a right to take part in its proceedings, consists of both ministers and elders. 2. That it is not necessary for the regular and lawful transaction of business, that all who are members of a session, Presbytery, Synod, or General Assembly should be present at the meetings of these bodies. 3. That when a sufficient number for the regular transaction of business, commonly designated a quorum, is met at the time and place appointed, this number or quorum is for the occasion "actually and potentially" the body, notwith-

standing the absence of some of the members. The point as to which we differ is this. Dr. Breckinridge affirms that both a minister and a ruling elder must be present at every meeting, or else no business can be lawfully done; and this he does not maintain in reference to a Presbytery alone, and on the ground of a special provision in the constitution, but as pertaining to all church courts, and as an essential feature in their structure. This I deny; whether for sufficient reasons the reader can judge. In chapter xii. 2, are these words, "The General Assembly shall consist of an equal delegation of bishops and elders from each Presbytery, &c." In section 3, of the same chapter, are these words, "Any fourteen or more of these commissioners, one half of whom shall be ministers, being met on the day and at the place appointed, shall be a quorum for the transaction of business. By any torturing of language, can these words be made to mean, that of the fourteen or more commissioners necessary to a quorum some must be elders? Is not the evident meaning of these two passages, one defining the composition, the other the quorum of the General Assembly, this—that of the delegates chosen in equal numbers from the ministers and elders, any fourteen or more being met in the manner prescribed, would be a quorum for the transaction of business, provided that not less than half of those thus met were ministers? If all the fourteen or more commissioners were ministers, one half would be, and the only limitations in this section defining a quorum would be complied with, and so there would be a quorum for the transaction of business without an elder present. I am not now giving an opinion that it ought to be so, but am merely stating what is the plain and obvious meaning of the rule respecting a quorum of the General Assembly. It depends upon the elders themselves, and upon them alone, to say whether, under the rule we now have, the case shall ever occur, that there shall be a meeting of the General Assembly without an elder being present. Of this I am persuaded that the elders have no need for me to tell

them, that so far from being desirous that the elders should absent themselves from the meetings of our Church courts, the ministers have uniformly encouraged their attendance. The case, I trust, will never occur, that we shall have a General Assembly without the attendance of a large number of ruling elders, and the nearer they approach to the ministers, in point of numbers, the better. Yet it is obvious beyond dispute that those who framed and ratified the Constitution, designed, that in this highest court of our Church, the elders should never exceed the ministers in number, and that in case the elders after being duly commissioned to attend, should from choice, or from any personal engagements or hindrances, absent themselves from the Assembly, the ministers should be at liberty to proceed with the business of the body.

In the first or lowest of our Church courts, viz. in the church session, there can be a quorum without a minister present, as appears from chapter ix. sections 3 and 4 of the "Form of Government." This matter was discussed in the very able communications of the Rev. Wm. M. Hall, and I should not now dwell for a moment upon it, were it not to take notice of the mode in which Dr. Breckinridge endeavours to evade the force of the argument derived from it, when brought to bear against his main position, viz. that as all our Church courts consist of both ministers and elders, both are essential to a quorum. "If it be said," remarks Dr. Breckinridge, "that inasmuch as in extreme cases a session may be constituted without the presence of a minister, (ch. ix. sec. 4.) it follows that in extreme cases a Presbytery may be constituted without elders, I answer, as the first is by express law, the second must be also, and there is no such law; further, the existence of clear law for the former, and the total want of it for the latter, is conclusive against it; and further still, that the argument contradicts itself, since it argues from the plenary powers of elders to the total want of all power, from their paramount importance in a parochial Presbytery to their utter insignificance in a classical Presbytery, from their abil-

ity to act without ministers in one assembly, to the ability of the ministers to act without them in another assembly—all which is absurd." Let us now examine the several parts of this answer, and in the order in which they occur. "As the first is by express law, the second must be also, and there is no such law." But the fact is, that what Dr. Breckinridge is pleased to regard as an express law, dispensing in certain cases with the presence of a minister, is nothing more than an exception to an express law making the presence of a minister and of two ruling elders necessary to the quorum of a church session. Had there been in the Constitution no specific provision requiring the presence of both the minister and the elders, and making the minister the moderator of the body, there would have been no occasion for the express law of which Dr. Breckinridge speaks, or to speak with more exactness for this exception to an express law. In the absence of all specific provision, "the law of common sense and of the common practice of deliberative bodies" to quote again the language of Dr. Breckinridge, would determine that a majority of the members of the session would be a quorum, whether the minister were a member or not of that majority. It is not then in virtue of an express law that elders in given cases may make a quorum of session, except so far as there is in these cases a suspension of a more general and express provision making the presence of a minister necessary to a quorum, and without which more general and express provision, the presence of a minister would not be necessary. Hence it appears from this case, that there can be a quorum of a church court, without the presence of both ministers and elders, and without any express provision dispensing with the presence of either, the common and well known practice of deliberative bodies determining this matter. The next division of Dr. B's answer is the same as the first, with the simple difference that it is couched in different terms. The reply to the first is a sufficient reply to the second. "And further still," says Dr. B. "the argument contradicts itself, since it argues from the plenary powers

of elders to the total want of all power, from their paramount importance in a parochial Presbytery to their utter insignificance in a classical Presbytery, from their ability to act without ministers in one assembly to the ability of the ministers to act without them in another assembly; all which is absurd," To say nothing of the disingenuous statement, that those who differ from him on this question argue for the utter insignificance of the elders, and their total want of all power, in Presbytery, I would call the reader's attention to the fact that the argument has no respect whatever to the relative powers of the ministers and elders in the parochial and classical assemblies, but is designed merely to show from the express language of our Constitution that it is not a tenable position, that there cannot be a quorum of any church court, unless there be present a minister or ministers, and an elder or elders. That in certain cases there may be a quorum of a Church Session, in the absence of the minister, is not to be denied, and Dr. Breckinridge does not venture to deny it, but endeavours to evade the force of the argument drawn from it, in the way which has been mentioned.

In a previous communication, I showed that in case the Elders commissioned to attend the meetings of Presbytery exceeded the ministers in number, they could in the absence of the ministers make a quorum, unless there was an express provision to the contrary: or unless certain duties were by the Constitution assigned to the Presbytery which, for their proper discharge, required the presence of one or more ministers. In this letter I have undertaken to show that according to the plain import of our Constitution, there can be a quorum of the General Assembly without an elder being present, and a quorum of a Church Session without a minister being present, and yet these church courts or assemblies are said to consist of ministers and elders just as much as the Presbyteries are. These facts then afford additional evidence that although a Presbytery consists of both ministers and ruling elders, this is no proof that there cannot be a

quorum of Presbytery unless both ministers and elders are present.

In the answer of the last General Assembly to the protest against their decision respecting the quorum of a Presbytery, the Assembly state distinctly, that all the fourteen or more commissioners necessary to a quorum of the General Assembly may be ministers. Yet of this statement Dr. Breckinridge takes no notice, nor does he venture to allude to the provision in the constitution regulating the quorum of this body. Why, I know not; but of this I am confident, that the provision, found in chapter XII. section 3, of our "Form of Government," gives no support to the views of Dr. Breckinridge.

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## VI.

*February 24.*

*Mr. Editor*—Without further remark on the collateral matters handled by Dr. Breckinridge, I will proceed at once to the examination of the rule, respecting the quorum of a Presbytery, laid down in our "Form of Government," chap. x. 7, and to a comparison of this rule with the resolution of the last Assembly on the same subject. If upon a rigid examination of the terms of the rule, it shall be found that the Assembly gave no decision contrary to their import, no fault should be found with the declaration of the Assembly, that "any three ministers being duly convened are a quorum competent to the transaction of all business." I need scarcely say that this declaration does not imply that the three ministers, to the exclusion of any elders who may be present and who belong to Presbytery, are a sufficient number of presbyters to proceed to business, but that in the voluntary absence of the elders, they are a sufficient number, or in other words "a quorum." In this view, and it is the only true one, I maintain that this declaration is in strict accordance with the rule in our "Form of Government," chap. x. 7, "Any three ministers, and as many elders as, may be present belonging to the Presbytery,

being met at the time and place appointed, shall be a quorum competent to proceed to business."

For the following reasons, I maintain the opinion here expressed.

1. In declaring that the persons previously mentioned "shall be a quorum," the rule supposes three ministers to be present, and that, without any allusion expressed or implied to the possibility of less than that number being present. It is indeed a thing quite possible, and which sometimes actually happens, that less than three ministers meet at the time and place appointed for the meeting of Presbytery, but this is a case not supposed here: on the contrary it is assumed that there are three ministers actually present. Nor, so far as I am aware, is this denied.

2. In reference to the elders, the rule does not suppose them to be certainly present, but merely the possibility that one or more may be present: and by consequence, the possibility, that one and all may be absent; and it provides that in case any elders are present, be they few or many, they are to be associated with the ministers in making the quorum.

The words "may be present" imply an uncertainty with respect to the presence of the elders, just as clearly as if that doubt had been fully and formally expressed. The doubt would not have been more clearly expressed, if the language had been as follows; "And as many elders as may be present belonging to the Presbytery, if any belonging to it be present." The affirmation that they shall be a part of the quorum rests, upon the condition that they are present. If this condition be wanting, they constitute no part of the quorum: and this is the precise case concerning which the last Assembly declared, that "any three ministers being duly convened are a quorum competent to the transaction of all business." What conceivable reason can be suggested for employing a conditional form of expression, on the supposition that it was the design of those who framed the rule to require that in every case there should be one or more elders present? Would it not have been the most

simple and natural course to have said, "Any three ministers, and one or more elders belonging to the Presbytery being met at the time, and place appointed, shall be a quorum competent to proceed to business."

Again, had it been the object of the framers of the constitution to include in a single sentence all these four cases: 1. That of the entire absence of the elders; 2. That of the presence of a number of elders, less than the number of ministers assumed to be present; 3. That of the presence of an equal number; and 4. That of a greater number, how could all these have been better expressed, than by saying "as many elders as may be present," which implies the possibility that there may be *none*, or that there may be *one, two, three, or more*, limited only by the number of church sessions within the bounds of the Presbytery. It is said by Dr. Breckinridge, that "*many*" cannot mean "*none*;" and in the same sense that this is true, it is also true that "*many*" cannot mean "*one*," "*two*," or "*three*." It is only on the possibility that a great number, to speak comparatively, and not one or two may be present, that the use of the phrase, "as many as," can here be regarded as at all admissible. But the possibility that a thing may be, is also the possibility that it may not be, and if the phrase "as many as" is used, merely because of the possibility of a great number being present, it does not of necessity imply the presence of any; for it is just as possible that there should be none present, as that there should be "a great number," which is the proper meaning of the term "*many*." Let us suppose the following inquiries to be made of a member of Presbytery: "Did your Presbytery meet yesterday? Yes. How many ministers were present? Three. How many elders? Not one." Is not the term "*many*" used with just as much propriety in the case where the answer is "*none*" or "*not one*," as in that where the answer is "*three*," and might have been "*thirty*?" If so, it is idle to say that in a conditional proposition implying the possibility merely of a great number being present, there is not implied also the possi-

ty, that none may be present. This being established, it is equally idle to maintain that "as many as may be present" implies that there must be at least one or two present.— And if this be so, then it is clear, that the words of the rule relating to the quorum of a Presbytery mean, that any three ministers being duly convened, with the elders belonging to the Presbytery, if any be present, and without them, if none be present, are a quorum competent to proceed to business. The Assembly gave no decision contrary to this, but in strict accordance with it. Their answer to the overture submitted to them had reference only to the case presented in said overture, which proposed as a matter of inquiry, whether in the absence of all the elders, three ministers could make a quorum. To this the Assembly gave a reply in the affirmative, and in doing so they gave an answer in strict accordance with the letter and the spirit of the constitution.

I shall now take notice of Dr. Breckinridge's reasons for asserting that the terms of the rule require that one or more elders should be present at every meeting of Presbytery; and of his answers to some of the objections which may be made to his exposition of the rule.— This I shall do in his own order, passing over entirely or but just touching upon those of them which have been already considered in the previous discussions.

The first, second, and third of these rest upon the fact that the different church courts consist of both ministers and elders, and from this fact he deduces the perfectly gratuitous inference, that the quorums of these several courts must also consist of both ministers and elders. He makes no discrimination between the composition and the quorum of a Presbytery, the one having respect to the persons who belong to the Presbytery, and who have a right to take part in its proceedings; and the other having respect only to those who must be present in order that business may be transacted. It is only by an entire disregard of this most obvious distinction between the composition and the quorum of this church court

that Dr. Breckinridge is enabled to present even the shadow of an argument in favour of his position, that there cannot be a quorum of Presbytery, unless one or more elders be present. But as the fallacy of this argument has been sufficiently exposed, I shall dwell no longer upon it.

Dr. Breckinridge's fourth reason in this— "The words about the presence of Elders must have some meaning given to them, if there be any meaning they will bear." The words about the presence of elders have a meaning, and an important meaning, but not the meaning which Dr. Breckinridge is pleased to regard as the only one, viz. that some elders must be present. They mean nothing more nor less than this, that if any elders belonging to Presbytery be present, they shall all be members of the quorum, even if they outnumber the ministers: and although this might be considered sufficiently provided for in the second section, which defines the composition of a Presbytery, yet it was wise to put this matter beyond dispute, by a specific provision: and the more so, as we learn from Steuart of Pardovan, that it was a contested point, and that in the Church of Scotland there were those who were "against ruling elders their being supernumerary to ministers in judicatures." That is, there were those who were opposed to the elders outnumbering the ministers in the church courts. And this too, notwithstanding their rule was, as it respects the elders at least, the very same with our own. "Yet," says Steuart, "if once a judicature fix upon a quorum, whereof always so many are to be ministers, though double their number of elders should come and be present, there is nothing as yet to hinder them all from voting." This among other things is embraced in our rule respecting a quorum of Presbytery; and it matters not how many or how few be present, they are all entitled to a seat, and to a vote; and yet while this point is carefully secured, the conditional form of the rule shows that the absence of the elders is not to prevent the transaction of business, if a sufficient number of ministers be present.

The fifth reason assigned by Dr. Breckinridge is, that "The copulative *and*, plainly shows that others besides the three ministers were designed to be present." But may not the copulative *and*, connect a conditional sentence, as well as one that is not conditional? And in case the sentence connected be a conditional one, and the condition itself be a nullity, what is coupled but a mere form of words? Thus if the elders be absent, the condition on which any of them are to be united with the ministers in making a quorum is wanting, and of course the three ministers will be a quorum. Were one man to say of another, "He is a man of talent, and if he were as honest as he is shrewd, he would be a most useful man," would not the copulative *and*, connect a conditional sentence? And would it not be just as correct a use of this copulative as if it were to unite two simple and positive sentences; or as if the following form of words had been used: "He is a man of talents, and a man of integrity, and as might be expected he is a most useful man?" It is not correct then, that "the copulative *and*, plainly shows that others besides the three ministers were designed to be present." It shows nothing more than this, that if certain others be present they are to constitute a part of the quorum.

The sixth reason given by Dr. Breckinridge rests, like the first three, upon the fact that a Presbytery is "composed of two distinct classes of persons, different in many important respects;" and it is argued from this that "something more than a mere indirection must be necessary to exclude one entire class." But who, let me ask, insists upon the *exclusion* of the elders? Who questions the fact that the elders belonging to the Presbytery have a right to be present at every meeting of the body, and to take part in the proceedings, and that it is their duty as well as their right and privilege to attend? Why then, I ask, does Dr. Breckinridge speak of the *excluding* of one entire class? In my third letter I showed that although a body consisted of two classes of persons this was no evidence, that some of both classes must be present, in order that there

may be a quorum, and to that letter I refer the reader for the proof of this position.

Dr. Breckinridge's next and seventh remark is an answer to the objection, that "*may* be present can never be made to mean *must* be present, and therefore there must be implied a condition and a discretion." "I answer," says Dr. Breckinridge, "that *many* can never be made to mean *none*." An odd answer this, that if *may* cannot mean *must*, *many* cannot mean *none*; and I presume Dr. Breckinridge regards the one as balancing the other. But as this answer was fully considered in discussing the rule, I shall pass it over without further comment.

As to "the implied discretion" respecting the attendance of the elders of which he speaks and which he denies, I know of no one, who rests that discretion on this passage.

His eighth remark is, "Suppose the same phraseology were used as to the ministers necessary in making a quorum, as is used in regard to the elders, thus: 'a Presbytery consists of all the ministers and one Ruling Elder from each congregation within a particular district, of whom (quorum) *as many ministers and as many Elders as may be present*, shall be competent to proceed to business;' in this case would any human being doubt that both ministers and elders must be present?"—What is this but saying that if the rule were different from what it is, and the language respecting the presence of the ministers as expressive of a contingency, as that respecting the presence of the elders, the rule in that case would mean what Dr. Breckinridge says it now means? Were this the case, it would be no proof that the rule, as it now stands, means what Dr. Breckinridge maintains it does; for in the three ministers supposed to be present, the rule possesses for the formation of a quorum an element subject to no contingency, while the form of words, suggested by Dr. Breckinridge, makes the presence of the ministers equally doubtful with that of the elders, and thus renders it a possible supposition that neither ministers or elders may be present a supposition altogether at variance with



the terms of the rule, which assumes the presence of three ministers as certain, and the presence of one or more elders as possible. In the rule there is a provision for a quorum, if the condition respecting the elders fail, but in the form given by Dr. Breckinridge, and upon his understanding of it, there is no such provision if the condition be wanting.—As to Dr. Breckinridge's supposition, there would be little or no difficulty in showing that it is more vague than he imagines it to be, but as it is not important to do so, I shall omit it.

Of his reasons and answers the ninth is an argument derived from the fact that, "a meeting of Presbytery *pro re nata* cannot be convened unless two elders, and they of different congregations, sign the requisition for it along with two ministers." But the argument is altogether fallacious. Does the fact here mentioned prove that the elders who unite with the two ministers in requesting the moderator to call a meeting *pro re nata*, or that any other elders must be present at this or any other meeting of the Presbytery? These very elders who concurred in calling the meeting could not attend it, unless after it was called, they were chosen by their respective sessions to represent them at said meeting, and in order that there may be a special meeting, there is no need that the moderator or any one of the ministers or elders who requested him to call the meeting should attend it. The fact that two ministers and two elders must unite in making the request for a special meeting no more proves that both ministers and elders must be present at such meeting, than the fact that all the ministers and all the sessions must be informed of the meeting, and be summoned to attend in person or by delegation, proves that there can be no quorum unless all the ministers and an elder from each congregation be present. All have a right to attend, and all must be informed of the meeting; but should there be but three ministers assembled in pursuance of the notice, they would be a quorum, notwithstanding the meeting could not have been called without the concurrence of two elders. The three ministers indeed could not be

a quorum without the concurrence of all the elders, and that concurrence expressed by the fact of their absence. As the several sessions have a right to be represented in every meeting of Presbytery, it is obviously proper that some of the elders should be consulted, and their consent be had, as well as the consent of a portion of the ministers, before a special meeting should be called. And this doubtless is the reason why the concurrence of two elders as well as that of two ministers was made necessary to the calling of a special meeting.

Why as introductory to this argument founded upon the rule relating to special meetings of Presbytery, Dr. Breckinridge should gravely remark, "It is the settled doctrine of our church, and of all other Reformed churches, that the right to convene in church assemblies, both stated and *pro re nata*, is divine, inherent, and altogether independent of the civil power," I can form no conjecture. Is it within the bounds of possibility, that there is in our church, or even in our whole land a single individual, who thinks that the permission of the civil magistrate must be had, before a meeting of a church court can be held? If there is not what call was there for this remark respecting the civil power?

Dr. Breckinridge's tenth remark is an answer to the arguments drawn from the possible inconvenience that might result in extreme cases upon the construction of the rule for which he contends, and from the possible inattention or neglect of the elders. To his views on these points I have no hesitation in expressing my assent. Yet I may remark that while the arguments drawn from the possible inconvenience in extreme cases are fallacious if designed to show the import of the rule, they are not fallacious if used to show what it is expedient the rule should be.

Dr. Breckinridge's eleventh remark is an answer to an objection brought against his construction of the rule, and founded upon the fact that in Presbytery the ministers and elders vote jointly, and not by classes. This point has been fully considered in the previous numbers, and if I am not greatly deceived, the ob-

jection has been shown to be a valid one, and the argument to which he objects, has been proved to be consistent with the general principles of the constitution; and further, it would be true, as shown in my third letter, that a sufficient number of ruling elders might make a quorum, were it not that this very provision, now under consideration requires three ministers to be present, or that some of the duties assigned to the Presbytery required for their proper discharge the presence of one or more ministers. The mere fact that a body consists of two classes, presents no difficulty in the way of a sufficient number of either class being a quorum. Nor does it follow on the ground here taken, that Ruling Elders have a right to impose hands in the ordination of ministers, any more than it does that they have a right to preach the sermon, to give the charge, or to make the ordaining prayer. In the Church of Scotland, the Presbyteries consist of ministers and elders, and quorums may be composed of ministers alone, and yet it is undeniable, that, in the Church of Scotland, none but ministers, take part in the imposition of hands.

The twelfth and last remark made by Dr. Breckinridge, in support of his construction of the rule relating to the quorum of a Presbytery is an answer to an objection to his interpretation of the rule, and derived from the fact, that in a church session the elders alone could in given cases make a quorum. As this point was fully discussed in my last letter, I shall say nothing more in regard to it.

I have now examined the rule in our "Form of Government," ch. x. 7, and have compared it with the resolution of the last Assembly, touching the points embraced in this rule, and I have shown that there is no discrepancy between the rule and the decision of the Assembly. I have also examined all Dr. Breckinridge's arguments in favour of his exposition of the rule, and whether I have succeeded in showing that each one is defective, and fails to establish what it was Dr. Breckinridge's aim to prove by it, I leave to the judgment of the reader.

## VII.

March 2.

*Mr. Editor*—Having shown in my last communication, that according to the true intent and meaning of the rule, in our Form of Government, adjusting the quorum of a Presbytery, any three ministers regularly convened are, in the absence of the elders, competent to proceed to business, I propose now to suggest some considerations which, at the time the Constitution was adopted, would have made it inexpedient to have a rule rendering the presence of ruling elders absolutely necessary to a quorum.

1. In not a few instances there were Presbyterian churches scattered throughout the wide extent of our land, probably distant from all other churches from fifty to a hundred miles, and even more, in which it would have been necessary for one Presbytery or another to meet, if for no other purpose than to instal the pastors of these several churches. Should these churches in every case have had an elder, it might have often happened, that from sickness, absence from home, the pressing nature of his engagements, or by unforeseen hindrances, the elder of the church at which the Presbytery were to meet, would be absent, and then the ministers called from their homes and met according to appointment would be obliged to separate without accomplishing the purpose for which they had been called together. The case here supposed that there may be but one elder belonging to a church able to support a pastor, is not a case made for the present occasion; it is one supposed in our Form of Government itself. See ch. ix. 2. "Of this judicatory, (the church session) two elders, if there be as many in the congregation," &c.

2. While it is obviously proper, and in accordance with the system of government received by our Church, that the ruling elders, properly the representatives of the people, should have the right to be present at all the meetings of our church courts, yet it is as obviously proper that they should not be compelled to attend them. The services rendered by them to the church are wholly gratuitous; they receive no compensation for the time de-

voted to an attendance upon the meetings of our church judicatures; and not unfrequently is it the case, that their duties to their families forbid their absence from home. With the ministers it is in some of the respects just mentioned otherwise. They are paid for their time and services; they have engaged to devote themselves to the business of the church, and to attend to the various calls that may be made upon their time and purse. While therefore ministers and elders should be equally at liberty to attend all meetings of Presbytery and other church courts and when present be equally at liberty to give their opinions and their votes in all matters that may come before them, it is clearly proper that the elders should be left, as by the Constitution they are left, to do in this matter just as judgment and conscience shall direct.

3. If the views here presented be just, it would be expecting too much to expect of the elders to leave their homes, at a sacrifice of their time, of their funds, and in some cases of their very means of subsistence, and to be absent from their families for days together, to do that which the ministers were fully competent to do, and which in the churches of Scotland and Ireland, ministers alone often did. It is not then to be presumed, that those who framed our constitution would require of the elders that which in given circumstances would be oppressive and clearly unjust to them; and, on the other hand, it is not to be presumed, that they would permit the interests of the churches to suffer from the absence of men whose attendance upon meetings of Presbyteries they could not with propriety enforce. That they did not make the attendance of the elders obligatory is evident from the words of the law; and the design of these remarks is to show that there were good and sufficient reasons for making the law on this subject just what they did.

4. In framing a law in reference to any matter, it is the part of common sense so to adjust the terms of it, that they shall be adapted to all the cases which can reasonably be expected to occur; and if these cannot all be

embraced under one general provision, the next best thing is to make a special provision for the cases not included in the general one, and which it is clearly foreseen will occur, as was done in our rules respecting the quorum of a church session; the general provision in regard to which is that two elders, if there be so many, with the pastor, shall be the quorum, and yet there is also a special provision for the case in which the elders alone may be a quorum. But in regard to a quorum of Presbytery we have no special provision, as an exception to one more general, and it is therefore obvious that the rule was intended to include all the cases that could possibly arise, on the supposition that there were three ministers present; and upon the interpretation given to the rule by the last Assembly, the extreme as well as the ordinary cases are provided for.

With respect to the expediency of modifying the rule so as to make the presence of ruling elders necessary to a quorum, I have very little to say; and should the elders desire such an alteration, for one I shall make no objection to it, especially if provision be made to meet the exigencies of the churches and Presbyteries in new settlements, where a rule of this kind would operate severely upon the elders themselves as well as upon the interests of the church. For if the attendance of the elders is made essential to a quorum, then it follows that a further change must be made so as to compel the elders as well as the ministers to attend, and to censure them if they do not, and which Dr. Breckinridge contends it is, under our present rules, the duty of the Presbytery to do. If the elders are desirous to submit to this yoke, which Dr. Breckinridge says they are bound to bear, and to relinquish the liberty they now enjoy of attending the meetings of Presbytery or not, as they deem it best, the ministers, I am persuaded, will not resist their wishes in this respect, whatever they may think of the wisdom of such a choice, a choice, however, which I am persuaded the elders will never make. Those who maintain that, under our rules, the elders cannot be compelled to attend the meetings of Presbytery, and that even

in the absence of the elders there may be a quorum, are no less desirous than those who maintain opinions opposite to these, that there should always be a full attendance of the elders at the meetings of our church courts, and I will not concede to Dr. Breckinridge one particle more of zeal for the rights and privileges of the elders than is possessed by those opposed to his views.

Before closing this communication, I wish to correct an error that occurred in my last letter in citing the resolution of the last Assembly respecting the quorum of a Presbytery, substituting the word "duly" for the word "regularly." I was led into the error by copying the resolution from the protest presented to the Assembly against it, in which protest the resolution was not copied verbatim, though it was given with the marks of quotation. I had not then a copy of the minutes at hand, but had a copy of the protest in a newspaper. The substitution of the one term for the other does not affect in the least the argument, and I should not advert to it were it not that the substitution was made in a quotation, and might argue carelessness on my part in copying the resolution, if the source of the error were not pointed out. In no other case have I made a quotation at second hand, and shall make none other unless I give my authority at the time.

P. S. When I wrote my reply to Dr. Breckinridge's remarks respecting the six Scottish Assemblies condemned by the General Assembly of 1638, I had not at hand the acts of this General Assembly, and yet I produced evidence sufficient to show that he had misapprehended the facts in the case, and that the six Assemblies had not been condemned because there were no elders in attendance upon them, but because among other defects, no Elders had been commissioned or sent from the Presbyteries: the king not permitting the Presbyteries to send any with the ministers whom he had instructed them to send. There were elders present, but by order of the king, not by appointment of the presbyteries, and it was

this in part that vitiated these assemblies, and not the mere absence of elders regularly commissioned or sent. And had there not been an elder present, the case of these assemblies would have had no analogy to the case of a church court to which elders were regularly commissioned, but from the meetings of which they chose to absent themselves, as is evident from a mere statement of the fact that to these Assemblies, the Presbyteries were not permitted to send any elders. How Dr. Breckinridge, with the acts of the General Assembly of 1638 in his hands, should ever have thought of adducing the case of the condemned Assemblies, as affording any countenance to his position that no business can be lawfully done in any church court in the absence of the elders, and that too without any respect to the cause of their absence, I am utterly at a loss to conceive. In not a single instance is the fact of their absence mentioned as a reason for condemning these Assemblies, but the fact that they had no commission from Presbytery to attend.

I will now cite in proof of what I say every thing in these acts pertaining to the elders. Among the reasons assigned for annulling the Assembly of 1606, Elders are not once mentioned, although from the form of expression used in the beginning of the fourth reason, it may be inferred that none but ministers were commissioned by the Presbyteries to attend, yet this is not mentioned as a reason for annulling this Assembly. The words to which I allude are the following: "From the power of these ministers who were present. Their Presbyteries did not limit them."

From the reasons assigned for annulling the Assembly of 1608, I give the following passages. "Many of the voters in that pretended Assembly had no lawful commission from the Kirk, to wit, forty-two noblemen, officers of estate, counsellors, and barons. . . . The noblemen were as commissioners from the King."—"In a lawful Assembly there should be none but commissioners from Presbyteries, Burghs and Universities, and but three ministers at most, with one elder, commissioners

from every Presbytery, according to the act made at Dundee, 1597. But in that pretended Assembly, there were four ministers from the several Presbyteries, &c. . . . whereas there were *no ruling elders sent from Presbyteries*, according to the book of policy and act of Dundee."

From the reasons for annulling the Assembly of 1610, I give the following passages. "And whereas there were no ruling elders sent from the Presbyteries to that pretended Assembly, as the roll of commissioners showeth." "There were thirty voters of noblemen and barons, beside the pretended bishops, who had no commission from any presbytery. In the fourth session of this pretended Assembly it is plainly said, that the noblemen and barons came to it by the King's direction."

From the reasons for annulling the Assembly of 1616, I cite the following. "There were twenty-five noblemen and gentlemen voters without commission from the Kirk . . . whereas there were no ruling elders having commission from their Presbyteries at that Assembly."

In showing the nullity of the Assembly of 1617, the word *elder* is not mentioned.

From the reasons assigned for annulling the Assembly of 1618, I give the following passages. "There were nineteen noblemen and barons, eleven bishops that had no commission from the Kirk. . . . And for ruling elders, there were none at all with commission from their Presbyteries."

I have now given in the very words of the acts everything in them pertaining to the elders. And from these extracts it is evident beyond dispute, that where elders are mentioned, regard is had to the fact that they had not been commissioned or sent to these Assemblies by their Presbyteries, and yet the case of these Assemblies Dr. Breckinridge brings forward as evidence that in the Scottish Church the mere absence of the elders was regarded as a reason for declaring an Assembly null.

What most distant resemblance is there between the case of these condemned Assemblies, and the case of a church court to which every

session within its bounds is at perfect liberty to send an elder as their representative, and in which every elder who has a commission to do so, can take his seat without let or hindrance, and speak and vote in all matters that may come before the body.\*

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VIII.

March 9.

*Mr. Editor.*—Among the other strange assertions in his speech on the Quorum Question, Dr. Breckinridge has the following, in relation to the Presbyteries and the Synod declared by the General Assembly of 1837 to be out of our connexion—"The churches, the Presbyteries, and the Synods were declared to be not Presbyterian mainly upon the very points this day involved;" and, as if it were evidence of the truth of this most singular assertion, he adds, "They had no ruling elders, and therefore were not Presbyterian." And yet after a few more sentences he says, "It is in vain to say, the disowned Synods had no elders appointed in any of their churches, the fact is otherwise—there were elders, more or less, in many churches, and as it regards the Presbyteries and Synods, the fact of presence, not the fact of existence, is the sole fact in the case."

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\* Not having access to any collection of the acts of the General Assembly of the Church of Scotland, and learning that there was such a collection in the library of the Theological Seminary at Newburgh, I requested the Rev. Dr. Forsyth to furnish me with a copy of the reasons, set forth in the acts of 1638, for condemning the six preceding Assemblies. As the collection in this library did not include the acts for 1638, Dr. Forsyth was unable to comply with my request, yet he very kindly furnished me with a statement of the reasons for annulling the assemblies, which he translated from a work of Spong's, and also with some extracts from Stevenson's History, which confirm the views presented in my third letter. Of the information thus furnished I should have gladly availed myself, had I not soon after obtained from my friend Dr. McLeod of New York, a copy of the acts themselves, from which I have made the above extracts.

A comparison of these sentences brings to recollection the words of Flaccus—"Quandoque bonus dormitat Homerus," and I think the Doctor himself will admit that in writing this part of his speech, he has not been as wide awake as usual. In the first place he tells us, that the Churches, Presbyteries, and Synods had no ruling elders, and in the next place, that "there were elders more or less, in many churches," and that as it regards the Presbyteries and Synods, the fact of presence, not the fact of existence, is the sole fact in the case." If this last clause has any meaning, it must mean that the four Synods, and their Presbyteries, and their churches too, were declared to be not Presbyterian mainly for the reason, that at the meetings of the Presbyteries and Synods no elders were present. Of the truth of this assertion, I venture to say that he cannot produce a single sentence in any one of the resolutions of the General Assembly of 1837, or in any one of the papers approved by that body, which affords the least countenance to it. And I venture to say further, that it was not so understood at the time by Dr. Breckinridge himself, nor as late as when the General Assembly of 1838 held its sessions. On the afternoon of Thursday the 30th of May, 1838, "A resolution was offered by Dr. Baxter relative to Presbyteries composed in part of pastors of Congregational churches, which was considered and laid on the table." (See printed Minutes of the Assembly.) This motion to lay on the table was made, if I mistake not, by Dr. Breckinridge, who strenuously opposed the resolution. On the next morning, and "on motion of Dr. Green, the resolution of Dr. Baxter, laid on the table yesterday, was taken up, and postponed. A substitute was offered by Dr. Green, which was considered and adopted, as follows, viz. Considering that it is manifestly incongruous and unreasonable that the government of the Presbyterian Church should be administered by those who do not submit to it for themselves; and whereas, there are, in this Church, certain brethren in the ministry, who, by taking the pastoral charge of Congregational churches, have placed them-

selves in a situation in which the government and order of the Presbyterian Church cannot in the nature of things, be fully carried into effect, in relation either to themselves or to the people of whom they have charge, this General Assembly feel it to be indispensable to declare that this is an evil which ought to be corrected as speedily as circumstances will permit: therefore, Resolved, That it be referred to the next General Assembly to correct the evil herein submitted, this General Assembly being willing that the interval of a year should be allowed to the parties concerned, to correct for themselves the evil in question, if such shall be their choice." (See printed minutes.) The original resolution required the Presbyteries to correct the evil with as little delay as possible; the one moved by Dr. Green referred the matter to the next General Assembly, with the view of giving the parties concerned a year to correct for themselves the evil in question. Both were warmly opposed by Dr. Breckinridge, and the one by Dr. Green was adopted contrary to his wishes and to his vote, and by a large majority. Among the reasons urged by Dr. Breckinridge against these resolutions, I distinctly recollect his mentioning, that it was not inconsistent with Presbyterianism that Presbyterian ministers should be pastors of Congregational churches, and that it was no part of the objection to the four excised Synods, that their ministers were in many instances pastors of Congregational churches, but that in virtue of the plan of union men who were neither ministers nor elders were permitted to sit in our church courts. And in proof, that it was perfectly consistent with Presbyterianism for Presbyterian ministers to be at the same time members of Presbytery, and pastors of Congregational churches, he referred to the church of Geneva, and added, that in the meetings of the venerable company of pastors, no ruling elders ever took part, that the ministers alone constituted the Presbytery, and that the churches were congregational. This was the ground taken in 1838 by this strenuous asserter, as he would feign represent himself, of the divine rights of ruling elders, and he was

just as infallible then as he is now.\* Having in his change of views gone to the opposite extreme, he maintains not only that elders must be delegated to all the meetings of Presbytery, but that some elders must be present at every meeting of Presbytery, or that no business can be lawfully done, and further that even Presbyterian ministers in a settled state of the church "are not in strict right entitled to appear in them (Presbyteries or other church courts,) except as they are ministers of the

\* Since the above letter appeared in the Presbyterian, Dr. Breckinridge has denied that he said that the churches of Geneva were congregational; and it is possible that as to this and to the statement in the preceding clause, "that the ministers alone constituted the Presbytery." I may have associated the only fair inference from his remarks respecting the Church of Geneva with the remarks themselves; and thus possibly have reported him in these two clauses inaccurately. In the course of his observations he adduced the "Venerable Company of Pastors" as furnishing a corroboration of his position, that it was consistent with Presbyterianism, for the ministers of a Presbytery to be pastors of congregational churches, and he stated then, what he does not now deny, that in this venerable body no elder ever had a seat. If he did not intend to convey the impression that this Company corresponded to a Presbytery composed of ministers, and ministers who were pastors of churches, which bore to the Company a relation like to that between one of our Presbyteries and the congregational churches whose pastors were members of the Presbytery, why did he cite this case? For any other purpose, the reference was utterly irrelevant, and could have no other effect than to deceive. And I have the more distinct recollection of this reference, from the circumstance that it was the first statement of the kind respecting the Venerable Company I had ever heard. As I am unwilling that the coarseness of his reply should prevent my correcting an error into which it is possible I may have fallen, in stating a matter that occurred six years ago, and which I only professed to give from memory, I have thought it proper to add this note: and this is the only notice I shall in all probability ever take of his reply to my strictures on his speeches, fully persuaded that the character of his remarks is such as to render an answer to them unnecessary.

particular churches which made up the Presbytery." Was it as delegates from their respective churches that the pastors of the Congregational churches were, according to the views of Dr. Breckinridge in 1838, to be enrolled as members of Presbytery? If in 1837, four Synods, each comprising several Presbyteries, were declared not to be Presbyterian, because no elders attended the meetings of these bodies, is it not marvellous that, in 1838, Dr. Breckinridge, who reminds us as it is not unusual for him to do, that he "was an actor in those scenes," and who speaks of "all my efforts, and no man made more to reform the Church at that period," should have thought of urging as a reason against removing the evil complained of in the resolution adopted by the Assembly, that it was consistent with Presbyterianism that there should be a Presbytery without ruling elders ever belonging to the body, and, of course, without ruling elders ever being present at its meetings? Again I ask, is it not marvellous, that he should have taking this ground, when, according to his present version of the matter, the Assembly of 1837 had declared the Presbyteries connected with the four disowned Synods to be out of our connexion, not because very many of the churches under the care of these Presbyteries were either wholly or in part Congregational, and were represented in our church courts by men who had never adopted our standards, but because no ruling elders attended the meetings of these bodies? I ask these questions because Dr. Breckinridge says explicitly, "the fact of presence, and not of existence, is the sole fact in the case." And to make the action in regard to the four Synods of any avail to his argument it must be so, that it was the non-attendance of the elders upon the meetings of the excised Synods and Presbyteries, and not the non-existence of elders, and the substitution of Congregational government for that of the eldership that mainly induced the Assembly of 1837 to declare the four Synods to be no part of the Presbyterian Church. But where is the proof of all this? There is none. It is a mere figment of Dr. Breckinridge's fancy. The Plan of

Union was annulled and declared void from the beginning, because its provisions were at variance with the constitution, and because an extension had been given to it never designed. It permitted men who were not Presbyterians, men who had never received our Confession of Faith, men who did not approve our Form of Government, to be members of our church courts, and to vote in all matters pertaining to our doctrine, our discipline, and our measures for the extension of the church. In virtue of this plan, Congregational churches were enabled to exert no inconsiderable influence in deciding our course of action in regard to matters deemed of vital consequence to our system. These were the reasons why the Plan of Union, as it is usually called, was declared null and void, and why the four Synods, which owed their existence in no inconsiderable degree to this very plan were declared to be not Presbyterian, and to be out of our connexion. That this is a true statement of the facts in the case, I will prove at once by evidence which Dr. Breckinridge, at least, will not venture to impugn, as it is taken from a circular letter, reported by Dr. Breckinridge himself, and approved by the Assembly of 1837.

"In the course of an attempt at reform we have thought it our duty to annul the Plan of Union, between the Presbyterian and Congregational churches in new settlements, formed in 1801, and evidently intended as a temporary system to meet a temporary exigency. By that plan Congregational churches were brought into complete union with the Presbyterian Church; and their delegates, without having adopted our public standards, were introduced into our judicatories, and vested with the power of giving authoritative, and, in some cases, decisive votes on most important questions of doctrine and discipline, and thus, in reality, of governing our church. And it has happened in fact, in a number of instances, that some of the most important decisions, in their bearing on the truth and order of our body, have been decided by votes of those who had not subscribed to our ecclesiastical constitution and stood aloof themselves from its authority.

Thus Congregationalists were found, in effect, to control the Presbyterian Church, and to prohibit her carrying into execution our appropriate system, while we had no more authority over them than they chose to recognise.

"If it were obviously equitable and important that the Plan of Union alluded to should be annulled, it was in our view no less equitable and important that the ecclesiastical bodies to which that Plan had given existence, and which were animated and governed by its spirit, should be declared to be no longer connected with our Church."

Such were the reasons assigned by Dr. Breckinridge himself, and by the Assembly of 1837, why the Plan of Union was annulled, and why the four Synods were declared to be no part of the Presbyterian Church. In the whole letter, from which the above extracts are given, there is not one word about the absence of elders from the meetings of the Synods or of their Presbyteries:—and there is no evidence that it was more common for the excised Presbyteries to meet without elders being present, than for the others to do so. Drs. Green and Baxter, men as zealous and as efficient in the reform of the Church as any others in it, did not give as a reason for the adoption of the motion made by them, in regard to Presbyteries composed in part of pastors of Congregational churches, and made too with the view of completing that reform, that no elders attended the meetings of these Presbyteries, which doubtless they would have done, had they understood the resolutions of 1837, in the sense now assigned to them by Dr. Breckinridge, but because these pastors "had placed themselves in a situation in which the government and order of the Presbyterian Church cannot, in the nature of things, be fully carried into effect, either in relation to themselves or to the people of whom they have charge."

In the decision given by the Assembly of 1843, there is nothing that comes in conflict with the decision of the Assembly of 1837. The decisions of 1837 had respect to the composition of Presbyteries and Synods; the decision of 1843 to the quorum of Presbytery,



and Dr. Breckinridge may quiet his fears, lest, if the decision of 1843 stand, all his struggles in 1837 should prove fruitless. The decision of 1843 reaches not thus far. "All my efforts" will not be lost should the decision of 1843 stand as a true declaration of what our rule now is. If Dr. Breckinridge would follow the advice, "Let another man praise thee and not thine own mouth," he would no doubt receive all the credit to which he is entitled, without him telling us, on every occasion, what he has done, what he has endured, and what he is ready to bear. And he should the rather abstain from these things, as it seems an ungracious task to expose the errors of a man who is ready to undergo "the pains of an incendiary and the penalties of a church disturber" in defence of his views. But why are we told all this? Has any one threatened Dr. Breckinridge for holding the views he does in regard to this subject? Or is it all said for the sake of exciting sympathy on the one hand and prejudice on the other? With the offensive style in which he has advanced his opinions, I doubt not many have been displeased, for although not as censurable as some of the language in his letters to Ruling Elders, yet it is disrespectful to the Assembly whose decision he impugns. He hesitates not to charge men who, to say the least, are as deeply interested as himself in the welfare of our Church, with advocating principles and practices which have a tendency to subvert the liberties of the Church, to degrade the Eldership, and to establish a hierarchy.

The assertion of Dr. Breckinridge that the last Assembly decided that ministers were not members of the Church is any thing but a correct representation of the fact. The Presbytery of Miami submitted to the Assembly an overture, the plain and obvious meaning of which was—Are pastors and stated supplies to be considered members of the individual churches which they serve, and to be enrolled on the sessional records? I do not say, that another construction cannot be given to the words "church members" which occur in the first clause of the overture; but who can suppose the Presbytery of Miami, or any other

Presbytery in the land, to be guilty of the folly of asking whether ministers were members of the Church at large? Or who can doubt, that in using the phrase church members, in the first clause of the overture, they intended to inquire whether pastors and stated supplies were to be regarded as members of the individual churches in which they ministered? The words of the overture are "Whether ordained ministers of the gospel ought not to be considered church members, and to have their names enrolled on the sessional records of the church where they are settled as pastors or stated supplies!" The latter clause is evidently exegetical of the first, and the whole overture contains but one inquiry, viz. Whether pastors and stated supplies are to be entered as members upon the sessional records of the particular churches which they serve? Yet Dr. Breckinridge would make the reader believe, that the Assembly decided that the Church is to be governed by ministers "in effect irresponsible, connected with the church only by an undefined dominion over it, not being even members of it."

This is but a specimen of the candour with which Dr. Breckinridge treats the last Assembly, against which he seems to be strongly embittered—of the probable reasons for which I shall not now at least venture to express an opinion

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 IX.

March 16.

*Mr. Editor*—The argument in favour of the decision of the last Assembly respecting the quorum of Presbytery, derived from the practice of our oldest Presbyteries, both before and after the adoption of the constitution in 1788, has been so fully and ably presented by yourself and the Rev. William M. Hall, that I have abstained from dwelling upon it, in my communications already published in the Presbyterian. I now advert to the subject to meet one or two objections to this argument. The first of these is, that a practice even long con-

tinued is not conclusive as to the import of the rule, under which the practice has risen. This is readily granted, and, if I am not mistaken, the practice in question has not been referred to, for the purpose of showing what is the exact import of the terms of the rule, but with the view of letting it be seen, what construction was given to it by those who framed and adopted the rule, and who were first called upon to act under its provisions. For this purpose it is of great avail, as it must settle, especially if the practice be uniform, what was understood to be its meaning in the judgment of those, who may safely be regarded as the best judges of the design of the rule, whether that design be clearly expressed or not.

If the uniform practice be found to accord best with the plain meaning of the terms, the argument is irrefragable, that conformity to the practice is conformity to the rule; and in case the terms are ambiguous, and yet will fairly admit of a construction in accordance with the practice of those who from their very position must be supposed to understand the design of the rule, if any do; it is to be presumed, that the practice is not at variance with the provisions of the rule, and may be followed with safety. So strong indeed is this presumption rendered by the absence of all complaint against the practice itself, that it has almost the force of direct evidence, that the practice and the rule agree.

2. To show that no dependence is to be placed upon the practice of our older Presbyteries, reference is made to the Plan of Union, which was permitted to exist, for more than thirty years, and which was formed with the concurrence and active labours of some who took part in framing the constitution of our Church; and yet after so many years this very plan was declared to be null and void, as being contrary to the provisions of the constitution. But between these two cases, it will readily be perceived that there is a great difference. For the one provision was made in the constitution at the time of its adoption. It was a matter in regard to which all the Presbyteries would be constantly called upon to act, and

with which they were familiar before the constitution was adopted. It was no new subject to them, and it was usual for them to consider a given number of ministers, met according to appointment, as a quorum of Presbytery: and if it was the design of those who made the constitution, to change the practice, would not this purpose have been more clearly expressed, and no room left for doubt on this point? In the whole constitution a rule could scarcely be named in regard to the design of which the Presbyteries in existence in 1788 would be less likely to fall into error, than with respect to this very rule relative to a quorum of Presbytery. And the uniformity of the practice is conclusive as to the design of the rule, whatever may be the fact in regard to its import.

With respect to the Plan of Union the case is altogether different. No such plan was thought of when the constitution was ratified and adopted. No provision was made for any case analogous to it. It grew out of a laudable desire to enable Christian brethren of two different denominations, who agreed in the great doctrines of the gospel, and who were few in number and feeble in resources, by a temporary union of their strength, to sustain among them the regular ministrations of the gospel, until they should be brought to embrace one system of government, or be able separately to make adequate provision for the due maintenance of their religious teachers. It is therefore not to be wondered at, that, in a matter of this kind, the General Assembly of 1801, not foreseeing the evil which eventually arose from the plan, and regarding the whole as a mere temporary arrangement, and as confined in its operation to the churches in the new settlements, should have felt itself authorized to enter into such an arrangement, under that provision in the constitution, which clothes the Assembly with power to determine the terms of correspondence with other religious denominations, nor is it a matter for surprise, that before the evils of this arrangement had developed themselves, the provisions of the plan were extended, and for many years little

or no attention was given to the scheme.— Confined in its operation to the extreme limits of our Church, where but few, to speak comparatively, of the more rigid adherents to Presbyterianism were to be found, the Plan of Union failed for a long time to attract to itself the attention of the older Presbyteries in our Church, and especially of those which existed prior to the formation of the first General Assembly. Fifteen years ago, I am confident that not only many of the ministers of our Church, but even some whole Presbyteries, were ignorant of the existence of the Plan of Union; the operation of which was almost wholly confined to the Synods in northern and western New York, and in the Western Reserve, Ohio. What propriety is there then in comparing the toleration of this unconstitutional arrangement, with a practice continued from a period antecedent to the adoption of the constitution to the present day, and in reference to a matter which was made the subject of a special provision in the constitution, the design of which provision, whatever be its import, was to perpetuate the existing custom?

From the nature of the case the Plan of Union could not show the design of those who framed the rules in our constitution, in conferring upon the General Assembly power to regulate all correspondence with foreign bodies, for no such thing as the Plan of Union was thought of; but with respect to the design of the rule concerning the quorum of Presbytery, the uniform practice of the Presbyteries coeval with the constitution itself, does show, and that most clearly, the intent of the rule. And here by the way I observe that a similar remark may be made with respect to the rule which speaks of the imposition of hands, in the ordination of ministers. It was left to the discoverers of the present day to find out a hidden meaning in these rules which had escaped the notice of our fathers, and of the meaner minds of our own times.

I have in my possession a statement of the meetings of the Presbytery of New Castle, from 1717 to 1791, at which no Ruling Elders

were present. This statement was kindly furnished by the Rev. Mr. Du Bois, Clerk of the Presbytery, at the request of a friend to whom I had written on the subject, asking him to examine the records of that Presbytery for me. I hope to obtain like statements from the Clerks of several other Presbyteries, and in case I do, I will send them to you for insertion in the Presbyterian.

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X.

April 6.

*Mr. Editor*—That those who take an interest in the discussion of the Quorum Question, may have a connected view of all the matters handled in my letters on the subject, I propose to give, in this communication, an outline of the evidence and argument presented in favour of the decision of the last Assembly. For a full discussion of the several points involved, I must refer the reader to my previous communications.

The rule, the right interpretation of which is the matter in controversy, is in these words: "Any three ministers, and as many elders as may be present, belonging to the Presbytery, shall be a quorum competent to proceed to business." See *Form of Government*, ch. x, sec. 7.

Under this rule, can three ministers form a quorum? This question the General Assembly of 1843 decided in the affirmative. That the answer is in strict accordance with the terms of the rule, I maintain for the following reasons:

1. It agrees with the plain meaning of the words.

Those words which relate to the ministers suppose three ministers to be present; but with respect to the presence of the elders, the form of expression is conditional, and the words imply only the possibility that one or more elders may be present, and by consequence that one and all may be absent. The affirmation that the elders shall be a part of the quorum, rests upon the condition that they

are present; and if this condition be wanting, they constitute no part of the quorum. No conceivable reason can be suggested, for employing a conditional form of expression, on the supposition, that it was the design of those who framed the rule to require that, in every case, one or more elders should be present. Had this been their design, the most simple and natural course would have been to say, "Any three ministers and one or more elders belonging to the Presbytery, being met at the time and place appointed, shall be a quorum competent to proceed to business." Had the rule been expressed in these words, could it have the meaning it now has?

In case any elders be present, be they few or many, the rule provides, that they shall all be associated with the ministers in making a quorum: and although this might in the opinion of some be considered as sufficiently provided for in the definition of a Presbytery, yet it was wise to put this matter beyond dispute by a specific provision; and the more so, as we learn, from Steuart of Pardovan, that in the Church of Scotland, it was a contested point, and that there were those who were opposed to the elders out-numbering the ministers in the Church Courts. See the Presbyterian for February 24, 1844.

2. The answer given by the Assembly accords with the practice of our Church, from its first existence as a Presbytery, in 1705, to the present day. There is no record to show that the propriety of the practice was ever called in question. Tradition has not handed down the name of a single objector. Under the constitution of 1788, the practice remained the same it ever had been. In the absence of the elders, the ministers continued to form a quorum for business. No protest—no complaint, Our fathers were all well satisfied with the practice and with the rule, between which they discovered no discrepancy. Had it been the design of the rule to change the practice, could the facts here mentioned have occurred? See Presbyterian for March 15, 1844.

3. The practice in our own church agrees with the practice of the Church of Scotland.

Although this fact is no proof that the last Assembly gave a just interpretation to the rule in chap. x. sec. 7., yet it is of avail to show that the interpretation given to it is not in conflict with the principles of Presbyterian Government. Steuart of Pardovan, speaking of Presbytery, tells us "that the Directory for Government saith that to perform any classical act of government or ordination, there shall be present at least a major part of the ministers of the *classis* (Presbytery)." Not one word respecting the necessity of a ruling elder being present. In the Church of Scotland at the present day three ministers can make a quorum of Presbytery.

At the Assembly of 1582, of which Andrew Melville was moderator, the following acts, as we learn from Calderwood, were passed in reference to "Presbyterial meetings." "Concerning such Elders as labour not in the word, their resort to the Presbytery shall be no further urged strictly, than the weightiness and the occasion, upon intimation and advertisement made by the Pastors and Doctors, shall require; at which time they shall give their concurrence; yet such as may conveniently resort are exhorted to be present at all times. Such of the ministry as do not resort to the exercise and Presbytery, shall be subject to the penalty arbitrary, which shall be appointed at the discretion of every particular Presbytery." From this it is evident that in time of Melville, the attendance of the Elders upon the meetings of Presbytery, was, for the most part, if not always, optional; while the ministers were required to be present, and were liable to censure in case of neglect. This rule was renewed by the Assembly of 1633, of which Alexander Henderson was moderator, and was in force for some time after the revolution of 1688, as appears from Steuart, who speaks of the rule as yet in existence. We read of no censure inflicted upon the elders in case of their absence. As under our own rules, the ministers were required to attend, the elders were at liberty to attend. When present, the elders made a part of the quorum, even if they out-numbered the ministers. See Steuart, l. 16, 3. When the

elders were all absent, the ministers if present in sufficient numbers made a quorum. See the authorities above cited, and the Presbyterian for February 10, 1844.

4. The practice of other bodies composed of two distinct classes of persons. The House of Lords in Britain consists of the lords spiritual and temporal, and yet, for the transaction of the ordinary business of the House, three temporal lords constitute a quorum; and in the opinion of Edward Christian, Esq., the learned annotator on Blackstone, the spiritual lords are competent to discharge the ordinary business of the body, in the absence of all the temporal lords. With this high authority furnished by the practice of the highest civil court and deliberative Assembly in all Britain, agrees the uniform practice of the Church of Scotland, not only in her Presbyterian, but also in her Synodical and General Assemblies, and in the commissions of the General Assembly. See the Presbyterian for February 3, and 10, and for March 2, 1844.

5. Any fourteen or more ministers may form a quorum of our General Assembly though there be not an elder present. See chap. xii. sec. 3. This fact though no proof that, under the rule in the case, there can be a meeting of Presbytery in the absence of all the elders, yet is conclusive as to this point, that the presence of both ministers and elders is not essential to a quorum of a body consisting of these two classes of church officers; and of course it subverts the main objection to the interpretation given by the last Assembly to the rule respecting the quorum of Presbytery. See the Presbyterian for February 17, 1844.

6. In certain given cases, the elders alone can form a quorum of Church Sessions. See chap. ix. sec. 3, 4. This fact also shows conclusively, that the presence of both ministers and elders is not essential to a quorum of each and all of our church courts, because they consist of both ministers and elders. See Presbyterian for February 17, 1844.

If then the answer given by the last Gener-

al Assembly is sustained by the plain meaning of the words in which the rule is expressed, by the practice of our own Church from its first existence to the present time, by the uniform practice of the Church of Scotland, by the practice of other bodies similarly composed, by our own rule respecting a quorum of the General Assembly, and also by the rule in regard to the quorum of a church session: can more evidence be needed, that under the rule given in chapter x. sec. 7, three ministers may be a quorum of Presbytery?

Against the decision in question the following objections have been urged:

1. That the Church is to be governed by Congregational, Classical, Synodical, and General Assemblies, composed of ministers and ruling elders. But this is maintained as strenuously by those who approve, as by those who oppose, the decision of the Assembly; and it has nothing to do with determining the question, whether ministers alone may form a quorum of a church court. Were there no express law on the subject, nor usage, to determine, how many and what persons shall constitute a quorum of Presbytery; "the law of common sense and of the common practice of deliberative bodies," to use the language of Dr. Breckinridge, would decide that a quorum must be composed of a majority of all the members.— And then in case the elders present were a majority of all the members, and were competent to the proper discharge of all the duties assigned to the Presbytery, they would be a quorum, though not a minister were present; and on the other hand, in the absence of the elders, the ministers present, if a majority of the whole number belonging to the body, would be a quorum.

2. That it is an adjudicated case, that there can be no lawful meeting of a church court unless one or more elders be present; and that the decision of the last Assembly is completely aside from the whole current of decisions.

"According to the settled law of the Scottish Church," says Dr. Breckinridge, "every church court, in which ruling elders do not sit

is illegal, and all its acts are null." That this is not the case, is abundantly evident, from what was said above respecting the law and practice of this Church.

3 The commission to attend the Westminster Assembly was composed of ministers and elders. Upon this Dr. Breckinridge lays much stress, but from some cause or other he omits to mention, that according to the terms of the act passed by the General Assembly of 1643 confirming the appointment of the General Commission, "Any three of them whereof two shall be ministers" were a quorum of the commission; and also another fact of much importance mentioned by his own authority, Baillie, that at one time the commission or its quorum consisted of Rutherford, Gillespie, and Baillie, all three ministers. In stating the number requisite to a quorum, Baillie makes no mention of the limitation that two at least of the three must be ministers, and this omission led me, in my remarks on this point, to say that the three elders could have been a quorum.

4. The four excinded Synods, their Presbyteries, and their churches, were declared to be not Presbyterian, mainly upon the points involved in this question respecting a quorum of Presbytery.

To sustain this objection, Dr. Breckinridge cannot adduce a particle of evidence from any

of the Acts of the Assembly of 1837, or from any paper approved by that body.

The reason assigned for annulling the Plan of Union, and for declaring the four Synods no part of the Presbyterian Church was, that in virtue of this plan, the Congregationalists connected with these Synods were enabled to interfere with our doctrine and discipline, and in some cases had actually done so.

In this communication I have presented the proposed outline of the argument in favour of the decision of the last Assembly respecting the quorum of Presbytery; also an outline of the principal objections to that decision: and although my communications may have proved as tiresome to the reader as to myself, I indulge the hope that they will in some degree subserve the interests of the Church.

As to the question whether it is expedient or inexpedient to alter the rule, I have no zeal whatever; and for one I am perfectly willing to yield in this matter to the wishes of even a minority, deeming it in itself a question of but little moment, and important only because it has been laid hold of as the occasion for a violent assault upon the last Assembly, and for denouncing that body in no very measured terms, as countenancing views which have a tendency to establish a hierarchy, to degrade the eldership and to destroy the liberties of the church.

## IMPOSITION OF HANDS.

No. XI.

April 13.

In this communication I shall enter upon an examination of Dr. Breckinridge's argument to prove that the decision of the last Assembly, respecting the imposition of hands, is contrary to the Constitution of our church. What was that decision? In reply to an overture from the West Lexington Presbytery, the Assembly adopted the following minute: "Resolved, That it is the judgment of this General Assembly, that neither the constitution nor the practice of our church authorizes Ruling Elders to impose hands in the ordination of ministers."

The first reason assigned by Dr. Breckinridge for seeking to have this judgment set aside is this. That by the Constitution, the power of ordaining ministers is lodged in the Presbytery, and that the Presbytery consists of ministers and ruling elders.

"Where," says Dr. Breckinridge, "is the power of ordaining ministers of the word lodged under our constitution? 'The Presbytery has power . . . to ordain, install, remove and judge ministers. (Form of Government, ch. x, sec. 8.) What Presbytery? Why, sir, beyond all doubt, that Presbytery which is . . . declared to consist of ministers and ruling elders. (Ch. x, sec. 1, 2.)' But why did not Dr. Breckinridge, in this reference to the Form of Government, give us the very words of the sections referred to? Would an exact quotation spoil his argument? After setting forth 'the importance and usefulness of presbyterial and synodical assemblies,' it is said, 'A Presbytery consists of all the ministers, and one ruling elder from each congregation within a certain district.' And let the reader bear this in mind, when Dr. Breckinridge asks, 'Why, sir, would you stultify our fathers? Did they first define with the utmost clearness

the term *Presbytery*, then invest the body so called with the power of ordaining ministers of the word; then in a long chapter, treating of this ordination in detail, use the word a dozen times in its defined sense, and then without notice or motive, use the same word in the same chapter, and touching the same business, in a sense not only inconsistent with their definition of it, and their constant use of it, but in a sense flatly contrary to both? The thing is supremely absurd." From this it is evident that Dr. Breckinridge maintains that the framers of our constitution always use the term *Presbytery* in the sense assigned to it in ch. x, 2, and that to deny this is to stultify our fathers, and is also perfectly absurd. Be it so then: and of course no man can be ordained except by the imposition of the hands of the Presbytery, that is, "of all ministers and one ruling elder from each congregation within a certain district." This, according to Dr. Breckinridge's logic, must be the case, for the framers of the constitution according to his own showing always use the term *Presbytery* agreeably to the above definition. Upon this construction of the rule, how many regularly ordained ministers are there in the whole Presbyterian church? Is there one? If not, how "supremely absurd" is Dr. Breckinridge's gratuitous assumption that in the chapter on ordination the term *Presbytery* is constantly used in its defined sense as given in ch. x, sec. 2, which defines merely how many and what persons may be members of a Presbytery.

The same mistake is made in this part of his argument that pervades his whole speech on the quorum question; viz., because a Presbytery is said, in our Form of Government, to consist of all the ministers, and one ruling elder from each congregation within a certain district, he assumes that the ministers alone can never in any case be spoken of as a Presbytery. But

what is a Presbytery? It is nothing more or less than a body of presbyters regularly associated, and invested with certain powers. This is the simplest and at the same time the most comprehensive definition of the term. It includes the parochial, the classical, the synodical, and the general assemblies, all of which are bodies of presbyters regularly associated, and invested with certain powers. The first of these may be constituted for business of elders alone, the others of ministers alone, when thus constituted they are nevertheless and undeniably bodies of presbyters. But it is the classical presbytery only to which the present discussion has respect, and which, in our standards and in popular language, is spoken of as the Presbytery. According to ch. x. sec. 2, of our Form of Government this body of presbyters "consists of all the ministers and one ruling elder from each congregation within a certain district." This section, as already observed, merely points out all who belong to the body and have a right to take part in its proceedings; and determines nothing as to the fact whether the ministers alone are ever spoken of as the Presbytery.

Had Dr. Breckinridge said that the framers of our constitution constantly used the term *Presbytery* to denote the same body of presbyters, he would have stated the fact precisely as it is. For it is the same body, whether, at any given meeting, or upon any given occasion, "all the ministers and one ruling elder from each congregation within a certain district" be present; or only a quorum, or a sufficient number of these presbyters to proceed to business, though those present should not be a tithe of the whole number belonging to the body.

Again, it is the same body, when the ministers alone, in the presence, and with the concurrence of the ruling elders, solemnly declare, by the laying on of their hands upon the head of a candidate for the holy ministry, that such candidate is set apart to this sacred office. The fact that ruling elders take no part in this ceremony of imposing hands, no more proves that the act itself is not the act of the Presby-

tery, than the absence of sundry ministers and elders belonging to the Presbytery proves that it is not the act of the Presbytery. The argument of Dr. Breckinridge, that the laying on of the hands of the ministers is not the laying on of the hands of the Presbytery, to make it valid, requires two assumptions, 1. that there can be no meeting of Presbytery without both ministers and elders being present, and 2. that nothing can be said to be done by the Presbytery unless both ministers and elders take part in the doing of it, as well as in deciding that it shall be done. His mode of sustaining the first of these assumptions involves the absurdity, that there can be no meeting of Presbytery unless all who belong to it be present: not indeed that Dr. Breckinridge admits this to be the case, yet it is the legitimate inference from his position that the framers of the constitution constantly use the term *Presbytery* in the sense defined in ch. x. 2. "A Presbytery consists of all the ministers and one ruling elder from each congregation within a certain district." Without the second assumption he could not for a moment take the ground that in the phrase, "with the laying on of the hands of the Presbytery," the term *Presbytery* must mean both ministers and elders. The form of government agreed upon by the Westminster Assembly says "Ordination is the act of a Presbytery," it also says, "The Presbytery . . . shall solemnly set him (i. e. the candidate,) apart to the office and work of the ministry, by laying their hands on him." And yet again it says, "Every minister of the word is to be ordained by imposition of hands and prayer, with fasting, by those preaching elders to whom it doth belong." The Presbytery of this Form of Government, from which our own is chiefly derived, consists of ministers and ruling elders, and yet while by this Form of Government the imposition of hands is in express terms limited to preaching elders, it is also said in express terms "the Presbytery or the ministers sent for the purpose, shall lay their hands on the candidate to be ordained," and moreover ordination itself, of which the imposition of hands is one of the ceremonies, is called "the



act of a Presbytery." In these passages does the term *Presbytery* denote different bodies or the same body? If the same body, then we may safely admit that throughout the whole chapter on ordination, in our own formulary, the term "Presbytery" always means the same body, and yet be able to maintain that "the laying on of the hands of the Presbytery," is to be confined to the ministers, acting with the concurrence of the ruling elders who may be present. Calderwood, in his "Altare Damascenum" a standard work in the Scotch Church, and a work written in defence of Presbyterian government, and published in 1623, says, "For the imposition of hands can be called the imposition of the hands of the Presbytery, although all and each in the Presbytery have not the power of imposing hands." Steuart of Pardovan says, "Ordination is the solemn act of the Presbytery, setting apart a person to some church office." Again he says, "A Presbytery consists of all the pastors within the bounds and one ruling elder from each parish therein." And in the usual or prescribed form for recording the ordination, these words occur, "the said Presbytery did determine to meet at the Kirk of . . . the brethren met *presbyterially*, taking the whole matter to consideration, as said is, did then and there, in due order and with all requisite formalities, solemnly ordain, admit and set apart, by imposition of hands and prayer, the said Mr. —." Who ordained the candidate by the imposition of hands? the Presbytery. And is this the same Presbytery before which he underwent his trials for ordination, and by which he is adjudged to be qualified to be a minister of the gospel? Yes, beyond all question. Then it follows that "the laying on of the hands of the ministers is the laying on of the hands of the Presbytery," for beyond all possibility of disputing the fact, the ministers alone, according to Steuart, or rather according to the law and practice of the Church of Scotland, as stated by Steuart, imposed hands. (See Steuart, I. 124.)

So then we see that it was not without motive the framers of our constitution introduced

into the Directory for Ordination, the words, "the laying on of the hands of the Presbytery," understanding thereby the hands of the ministers, who acting together, in the performance of ministerial and doing so by order of the entire Presbytery, are to be accounted for the occasion the Presbytery.

With respect to the person to be ordained, Dr. Breckinridge asks and answers the question. "Who shall ordain him? 'The *presiding minister*,' in the name, by the authority with the concurrence, in the bosom of the constituted Presbytery, as its moderator—and not otherwise." Be it so; that ordination by the presiding minister is ordination by the Presbytery. Why then may not the laying on of the hands of the ministers, with equal propriety be called, as it always has been called, "the laying on of the hands of the Presbytery?"

When after the ordination of a minister his co-presbyters say to him, "We give you the right hand of fellowship, to take part of this ministry with us," Dr. Breckinridge, unmindful of the canon laid down by himself for the right understanding of the word *Presbytery*, finds no difficulty in maintaining that the term *ministry* does not mean simply the *ministry of the word*, in which sense alone it is ever used in our Form of Government: and he asserts that it is here to be taken in a large sense, as including the ruling as well as the preaching elders. And because those from whom he dissents as to the meaning of the term in this passage, maintain that it is here limited to the ministers of the word: he asks, "And has it really come to this, that the ministry is no longer a service, *minister* no longer a servant?" But what means this question? Is it intended to [make the reader believe, that those who do not agree with him deny that the ministers of the word are the servants of Christ and his Church? I would hope that this is not its design. But at the best it is an absurd question, and the more so, as those whom he thus assails maintain that the ministers alone are called servants, and that the ruling elders are never thus designated. Dr. Breckinridge admits that the word *ministry* is no doubt, in

its popular use often, perhaps generally, applied to the ministers of the word; and that it is so used in the very chapter which treats of the ordination of ministers is a fact beyond all dispute. To adopt then Dr. Breckinridge's mode of reasoning, will you stultify our fathers, by supposing, that in a long chapter treating of ordination, they have used the terms *ministry* and *ministers*, the one three and the other fifteen times, in their popular and generally received meanings, and that, "without notice or motive," they have used the word *ministry* in the same chapter and touching the same business, in a sense different from its meaning in every other part of the Form of Government? That the term *ministry* in the salutation addressed to the newly ordained minister denotes the *ministry of the word* is evident also from the following facts: 1. That the use of the pronoun *this* limits the term *ministry* to the very ministry to which the person addressed is ordained. 2. That the words "take part of this ministry" are borrowed from Acts i. 25, where they are used in reference to the ordinary ministry of the Apostles, which was the ministry of the word. 3. That our fathers were wont to use this very expression, "to take part of this ministry with us," when, as is conceded by all, only ministers gave the right hand of fellowship.

From the circumstance that our directory for ordination does not absolutely and unconditionally enjoin the use of the words, "We give you the right hand of fellowship to take part of this ministry with us, but only of words to this purpose, it is argued by Dr. Breckinridge and others, that although the term *ministry* is to be understood as limited to the ministry of the word, yet under the provisions of the rule, some other suitable word could be substituted for the word *ministry* which the ruling elder might use. As to the "suitable word" which might be substituted, Dr. Breckinridge ventures no suggestion: and he would, I apprehend, find it to be no easy task to suggest a form of words, which a ruling elder might with propriety use, and which would be of the same purport with the words given in

the rule itself. These show that those who welcome the newly ordained minister to their fellowship as their fellow-servant must be themselves ministers of the word.

Dr. Breckinridge, and several others who could be named, were ruling elders before they were ordained ministers of the word. Would it have been anything better than an idle ceremony for the elders present to have said to such an one, "We give you the right hand of fellowship to take part of this ministry with us," or as they are authorized to say to a newly ordained elder, "*of this office* with us," when the person thus addressed had been for a greater or less length of time in the very office to which he is now welcomed, and upon which he is supposed to have just entered? I need scarcely add, that the entirely different forms prescribed in our constitution, for the ordination of ministers and ruling elders, show most conclusively, that it is no part of the theory of government set forth in our standards, whatever connexion it may have with Dr. Breckinridge's own peculiar views, that if a ruling elder should be called to be a preacher, he requires no new ordination, before entering upon his new office: and the fact that under our Form of Government a ruling elder must be again ordained, and that too by the laying on of the hands of the Presbytery, and the additional fact that after his ordination his copresbyters are required to welcome him to *this ministry*, which can be no other than the gospel ministry, are of themselves sufficient to establish the position, that in giving this salutation none but ministers are to take part; and unless the rule is made to contradict itself, "all the members of the Presbytery" who give this salutation must mean only those whom Steuart speaks of as the radical members of the body. His words are "Presbyteries are radical as to the pastors, delegate as to the ruling elders."

Some seem to imagine that the use of the words "*all the members of the Presbytery*," in ch. xv. 14, is sufficient to settle the question in favour of ruling elders having a right to take part in the ceremonies of ordination.

A sufficient answer to this is the fact that in other parts of the Form of Government, ministers alone are spoken of as members of the Presbytery, (see ch. x. 9, xv. 12, xvi. 6,) and in the Book of Discipline, ch v., "Of process against a bishop or minister." The ministers of a Presbytery are spoken of as being "all its members." If in the passage here referred to, "all its members" mean only all the ministers, as beyond all possibility of dispute is the fact, what is to hinder the words "all the members" in the first cited passage from meaning only the ministers?

It has also been urged, that in the old Scottish form, as found in Pardovan, the words are, "all the ministers of the Presbytery take the person ordained by the right hand," &c., and that in our Form of Government the word *members* was substituted for the very purpose of allowing ruling elders to give the right hand of fellowship. But was not precisely the same change made in the case of the person who is appointed to recite to the people the proceedings of the Presbytery preparatory to the ordination? In Steuart the language is, "the minister from the pulpit," &c. In our Form of Government, the words are, "The same or another member shall briefly recite from the pulpit." In making this change was there any purpose to authorize a ruling elder to perform this part of the ordination service and to make the ordaining prayer? The fact is that the framers of our constitution frequently use the term *members* as synonymous with *ministers*, and that they were accustomed to speak of the laying on of the hands of the ministers as the laying on of the hands of the Presbytery, and to account for the change in the terms requires no such violent hypothesis as the one above-mentioned, viz., that the word *members* was substituted for *ministers*. for the purpose of enabling ruling elders to exercise what Dr. Breckinridge insists is their right and duty in relation to the imposition of hands, in the ordination of ministers.

## XII.

April 20.

Another reason urged by Dr. Breckinridge with much earnestness, why the decision of the last Assembly, respecting the imposition, should be rescinded, is this, that the imposition of hands, with every other part of ordination is a Presbyterianial, that is a *joint* power.

If by "*joint* power" be understood a power which in ordinary circumstances is not to be exercised by an individual minister, in the ordination of ministers, without the concurrence of his brethren already in the ministry, the power in question is undoubtedly a joint power. And again, if by "*joint* power" be understood a power, which under a presbyterian form of government, and in a settled state of the church is not to be exercised by the ministers of a classical Presbytery, for the ordination of a minister of the gospel, without the implied consent at least, of "the representatives of the people, usually styled ruling elders," (see Form of Government, ch. iii. 4, and ch. v. 3,) the power to ordain with the imposition of hands is a "*joint* power." But in no other sense than those given above, is it a joint power, nor has it been so regarded by presbyterian writers who make the distinction, to which Dr. Breckinridge refers, between a joint and a several power, and who include in the power of regimen both "the power of order," which Dr. Breckinridge calls "*a several* power," and "the power of discipline or jurisdiction" which is "*a joint* power." In the second Book of Discipline they are called, one "*potestas ordinis*," and the other "*potestas jurisdictionis*." And in the treatise entitled "*Jus Divinum Regiminis Ecclesiasticae*," or, "*The Divine Right of Church Government*," published first in 1646, the same distinction is made, and the same and analogous forms of expression are used to denote that distinction. According to this treatise the power exercised by ministers only, and in virtue of their office as ministers of the word, is called "*the power of order*" or the "*key of doctrine*" &c., and the power exercised by them with the concurrence of the ruling elders is called "*the power*

of jurisdiction," or the "key of discipline." In making this distinction between joint and several power, these works do not teach, that in all matters pertaining to the joint power of ministers and ruling elders, these two classes of officers have equal powers, but merely this, that the power committed to the ministers, for certain purposes, and among these is the ordination of ministers, is not to be exercised unless with the express or implied consent of the ruling elders, who, to use the language of our own Form of Government, "are *properly* the representatives of the people, chosen by them for the purpose of exercising government and discipline, in conjunction with pastors or ministers."—(Ch. v.) The fact, therefore, that the power of ordination is "a *joint power*" furnishes no ground for the conclusion, that the ruling elders, who at any given meeting of the Presbytery may concur in a vote to ordain a candidate for the ministry, have a right to take part in the ordination. This is the doctrine of our standards, in reference to the ordination of ministers not indeed in formal and express terms, but couched in language which clearly implies it. And this too, is the doctrine of the Form of Government agreed upon by the Westminster Assembly.

"Ordination is the act of a Presbytery."

"The power of ordering the whole work of ordination is in the whole Presbytery," &c.

"Ordination is the solemn setting apart of a person to some public church office."

"Every minister of the word is to be ordained by the imposition of hands, and prayer, with fasting, by those preaching presbyters to whom it doth belong."—(See Form of Government agreed upon by the Westminster Assembly—"Of the Ordination of Ministers.")

According to the Westminster Assembly then, the power to ordain pertains to "the whole Presbytery;" or in other words, it is a joint power, and yet this hinders not, that the imposition of hands should be by the ministers only.

The second book of Discipline, so much lauded by Dr. Breckinridge, teaches the same doctrine in reference to matters which pertain

to "the joint power" of ministers and elders. In this work we find the following language, "It appertains to the minister, after lawful proceeding by the eldership, to *pronounce* the sentence of binding and loosing upon any person, according unto the power of the keys granted unto the kirk." "And generally all public denunciations that are to be made in the kirk before the congregation concerning ecclesiastical affairs, belong to the office of a minister; for he is as a messenger between God and the people in all these affairs. See 2d Book of Discipline, chap. iv.

Steuart of Pardovan says, "Ordination is the solemn act of the Presbytery setting apart a person to some public church office." And again, "The duties of elders which are more public are these which lie upon them in the Assemblies of the church; in which ruling elders have a right to reason and vote in all matters coming before them even as ministers have. . . . Howbeit, by the practice of the church the execution of some decrees of the church doth belong to the pastors only, such as the *imposition of hands*, the pronouncing the sentences of excommunication and absolution, the receiving of penitents, the intimation of sentences and censures about ministers and such like." Here then we see that though "to ordain" pertains "to the power of jurisdiction," yet that it was the practice of the Church of Scotland to confine the imposition of hands to the ministers; and this shows that the argument of Dr. Breckinridge fails to establish his point, for although ordination pertains to the power of jurisdiction, called by Dr. Breckinridge the "power of regimen," the ceremony of imposing hands appertains to the power of order.

In a work published at London, in 1654, by the Provincial Assembly of London, and evidently written in support of the views maintained by the Westminster Assembly, we find the following propositions maintained. "Ordination of ministers ought to be by the laying on of the hands of the Presbytery."

"By the Presbytery is meant a College or company of Presbyters."

"That the power of ordering the whole work of ordination belongs to the whole Presbytery, that is, to the Teaching and Ruling Elders. But Imposition of hands is to be always by the Preaching Presbyters, and the rather, because it is accompanied with prayer and exhortation, both before, in, and after, which is the proper work of the teaching elder." See "*Jus Divinum Ministerii Evangelici*," or "the Divine Rights of the Gospel ministry," chap. xiii.

Again speaking of the purpose for which imposition of hands is used, the members of the Provincial Assembly say, "We use it not as an operative ceremony but as a moral sign, to declare publicly who the party is, that is solemnly set apart to the work of the ministry."

Thus we see, that while the members of the Provincial Assembly disclaim all idea of imposing hands as "an operative ceremony" the "*opus operatum*" of Dr. Breckinridge, they maintain that ordination "ought to be by the laying on of the hands of Presbytery," and at the same time they hold that the imposition of hands pertains to ministers only.

We have the same doctrine in the "*Jus Divinum Regiminis Ecclesiastici*," or "the Divine Right of Church Government," the design of which is to prove that "The Presbyterial government by preaching and ruling presbyters, in Congregational, Classical and Synodical Assemblies may lay the truest claim to a Divine right according to the scriptures." This work is the production of "sundry ministers of Christ in the city of London, and as previously mentioned was published first in 1646. It is highly commended by Baillie in a letter, of the date of Jan. 26, 1647, to his correspondent Mr. Spang.\*

In this work we find the following passages, "Ordinances appertaining to the Key of Jurisdiction or of Discipline, viz :

\* This letter not only shows the high esteem in which this work was held, but also that the "Form of Government" agreed upon at Westminster was the form desired by the Scottish Commissioners.

1. The Ordination of Presbyters with the imposition of the hands of the Presbytery," &c.

"The Apostles themselves thus sent forth by Christ, did themselves send forth others into the *Ministry* with imposition of hands."

"Now the Apostles having ordained some, gave them commands and directions for ordaining others after them," &c.

"So then it is plain, that the scripture way, the Apostolical course of separating men unto the *Ministerial Function* was by Ordination with imposition of the hands of the Apostles upon Presbyters, and of these Presbyters upon other Presbyters and so on successively."

From these passages it is evident that the authors of this work teach, 1. That Ordination pertains to the joint power of Ministers and Ruling Elders, for it is the first ordinance assigned by them to "the Key of Jurisdiction," the name given by them to that power in the exercise of which "Ruling Elders may act with Ministers. 2. That Ministers are to be ordained by *the imposition of the hands* of Presbyters, who were themselves ordained by imposition of hands to the work of the ministry." That none of the Presbyters here spoken of are Ruling Elders, is farther evident from the following passage, "For though it is not the custom of the Reformed Churches to impose hands upon Ruling Elders, (which is a rite observed in the ordination of Pastors after the example of the Apostolical churches,) yet they have the substance of ordination and mission, being examined and approved by a Presbytery," &c.

Do not the works cited above teach in as strong terms as our own form of government, that the power to ordain is "a *joint power*?" and yet it is evident, they utterly repudiate the idea that any others than the preaching Presbyters are to take part in imposition of hands.

I have dwelt the longer on this part of Dr. Breckinridge's argument because it is the only part that has much plausibility,—a plausibility arising solely from the fact, that in a settled state of the church like our own, the power to ordain cannot be exercised by the ministers without the implied consent at least, of the

Ruling Elders, and in this sense alone under our Form of Government is the power to ordain "a joint power."

In a settled state of things no Presbyterian would for a moment think of claiming for the members of a single church, or for several churches combined, the right to ordain a man to the gospel ministry, either by their direct act, or mediately through their representatives, be they even Ruling Elders. How then can the delegation of these representatives to a meeting of Presbytery add to their powers as representatives of the people? And let it be remembered, that by whatever name they are called, Ruling Elders appear in our church courts only in their distinctive character as "representatives of the people," (see ch. v.) a most honourable distinction indeed, but one which confers upon them no ministerial power. And if the power to ordain be in the Presbytery, and to this I fully assent, it is there because it belongs to the ministers, the permanent or radical members of the body; they being the presbyters through whom the church is to exert her power to ordain ministers as they may be found qualified and be needed. With respect to the exercise of this power, the Ruling Elders have a voice, but the power itself they cannot exert. In a given case, if they outnumbered the ministers of a presbytery, they might require the ministers to ordain a man contrary to their own judgment of what is expedient; but still the power to ordain would be confined to the ministers, who would be bound to comply with the vote of the body unless for reasons which would obviously justify a refusal and an appeal to a higher court. A case not indeed to be looked for, but yet one that is possible.

If it be asked, whence do the ministers derive their power, I answer directly from the Head of the Church. Their election by the people does not give them their power, though ordinarily it precedes the conferring of the power bestowed upon them at their ordination.\*

\* In his speech on the Quorum Question, Dr. Breckinridge insists that ministers are not

This view of the source of their power, and of its first receptacle in ordinary cases is confirmed by "The Second Book of Discipline," &c.

"The kirk of God sometimes is taken largely for all them who profess the evangel of Jesus Christ. . . . Other times it is taken for the godly and elect only, and sometimes for those who exercise spiritual function in

members of Presbytery in virtue of their office, but only in virtue of their being delegated by the individual churches of which they are ministers. And he contends that "Presbyteries are properly composed of parishes, congregations, particular churches, and not of ministers," and he undertakes to show that this is the doctrine of our own constitution. But what says our Form of Government—"A Presbytery consists of all the ministers and one ruling elder from each congregation within a certain district." And it is worth one's while to notice how, in one instance, Dr. Breckinridge endeavours to combine his own "proper" definition of the term Presbytery, with the definition given in our Form of Government. Having cited the words "The Presbytery has power to ordain," he asks, "What Presbytery, why sir, beyond all doubt, . . . that Presbytery defined in the same chapter which declares its power to ordain, as being composed of many separate congregations, . . . and declared to consist of ministers and ruling elders.—(Ch. x. sec. 1, 2, 3.)" Pray tell us, if "to consist" does not mean in this connexion, "to be composed of," and does Dr. Breckinridge expect to fasten upon the framers of our constitution, the absurdity of giving us two different definitions in two contiguous sections of our Form of Government, the first of which merely points out the importance and usefulness of Presbyteries and Synods, and the second defines who and how many are to compose a Presbytery? 'The wants of the several churches may require the formation of Presbyteries, as stated in section I of ch. x., but this is very far from affirming that "Presbyteries are properly composed of parishes, congregations, particular churches," nor is any such thing affirmed in section 1. When a particular church has need of council and assistance beyond that which its own officers can give, by means of a Presbytery it may obtain the counsel and assistance of the ministers and ruling elders of which the Presbytery consists. And were we to grant that the term Presbytery is sometimes used to denote the several churches, connected with it, and whose repre-

the congregation of them who profess the truth.

"The kirk in *this last sense* has certain power granted by God, according to the which it uses a proper jurisdiction and government exercised to the comfort of the whole kirk." . . . "The policy of the kirk flowing from this power . . . is given immediately to the office-bearers." See ch. 1.

The "Jus Divinum Regiminis Ecclesiastici" teaches the same doctrine, (see ch. xi. sec. 2.) "Of the first receptacle of the power of Church Government, viz. Christ's own officers."

The ministers though chosen by the people are never called representatives of the people, either in our own or any other form of Presbyterian government. But in our own, it is distinctly affirmed that Ruling Elders are *properly* the representatives of the people, and in all matters within the jurisdiction of our church courts they have, as representatives of the people, an equal right with the ministers to deliberate and to vote. But this does not imply a perfect equality of power in all matters pertaining to the power or Key of Jurisdiction, that is the joint power of ministers and ruling elders.

This view of the subject is the only one which gives a consistent construction to our constitution, and this fact furnishes conclusive evidence that it is the correct view.

representatives, viz., the ruling elders, have a right to be present at its sessions, and to take part in its deliberations, might we not argue as Dr. Breckinridge does, in reference to the term *ministry*? The word Presbytery is no doubt, in its popular use, sometimes applied to the congregations and particular churches in connexion with the Presbytery, "but our standards and those of other Presbyterian churches use it *technically* to mean" a college or body of presbyters. Whether all the ministers and all the ruling elders within the limits of the Presbytery have a right to sit and vote in all meetings of the body must depend upon the rules of each church. As to what is the import of our rules on this point there can be no room for doubt. The doctrine of the Westminster Form of Government respecting the composition of a Presbytery is the same as our own, and for two centuries it has been the Form of Government of the Scottish Church.

It assigns to the elders the rank and duties assigned to them in the Form of Government. For proof, see ch. iii. 2. "The ordinary and perpetual officers in the church are the bishops, or pastors, the representatives of the people, usually styled *Ruling Elders*, and the deacons." "Ruling Elders are properly the representatives of the people, chosen by them for the purpose of exercising government and discipline, in conjunction with pastors or ministers. This office has been understood, by a great part of the Protestant Reformed Churches, to be designated in the holy scriptures, by the title of Governments, and of those who rule well, but do not labour in word and doctrine."—(See ch. v.) Here, as before remarked, it is most distinctly affirmed that they are properly the representatives of the people. This then is their distinctive character. They are not called bishops, pastors, ministers, angels of the churches, ambassadors, nor stewards of the mysteries of God, all which titles are given to those in the pastoral office; nor are they called elders, in the full import of this term as ministers are. For proof, compare sec. 1 of ch. iv. with sec. 2 of ch. iii. and with ch. v.; "*usually* styled Ruling Elders." "They are chosen for the purpose of exercising government and discipline in conjunction with pastors or ministers. This office has been understood, . . . to be designated . . . by the title of governments and of those who rule well."

As representatives of the people, they are, when delegated by their respective church sessions, permitted to take seats in Presbytery, and have a right to deliberate and vote in all matters under the control of the Presbytery. But of this court they are only members in virtue of their being delegates from their several churches; whereas the ministers are members in virtue of their office, and hence, both in popular language and in our Form of Government, the ministers are alone spoken of as members of the Presbytery, being the only permanent or radical members of the body.—See ch. x. 9.—"It shall be the duty of the the Presbytery . . . to report to the Sy-

nod every year, licenses, ordinations, the receiving or dismissing of *members*, the removal of *members* by death," &c. (See also ch. xv. 12, and ch. xvi. 6, Book of Discipline, ch. v. 1 and 2.) "As the honour and success of the gospel depend in a great measure on the character of its *ministers*, each presbytery ought, with the greatest care to watch over the personal and professional conduct of *all its members*. But as on the one hand, no *minister* ought, on account of his office, to be screened from the hand of justice, nor his offences to be slightly censured; so neither ought scandalous charges to be received against him, by any judicatory on slight grounds. Process against a gospel minister shall always be entered before the Presbytery of which he is a member." Who are the persons embraced in the phrase "all its members?" Will any body pretend that they are any others than the ministers, the permanent members of the body, and who in certain connexions are spoken of as the Presbytery? This view of the subject removes all difficulty in regard to the rules relating to the ordination of ministers. For it enables us to reconcile at once all apparent discrepancies, and it makes our rules to speak a language consistent with the practice of our own church, and of all other Presbyterian churches, in confining the imposition of hands, and the other ceremonies of ordination, to the ministers of the Presbytery, and in styling those who perform these ceremonies the Presbytery. If in our Book of Discipline, all the members of a Presbytery can mean the ministers of the Presbytery, as beyond all dispute is a fact, what, I again ask, is to hinder their having the same meaning in our Form of Government?

The simplest idea of a Presbytery is, as has been remarked, that of a convention of Presbyters, with these may be associated for certain purposes, in our classical presbyteries, and other church courts, the representatives of the people, who are, as our Form of Government says, "usually styled ruling elders." Conjointly with the Presbyters to whom is committed the power of preaching the word, ad-

ministering the sacraments, ordaining ministers, and administering discipline, ruling elders have for matters pertaining strictly to government and discipline a right to deliberate and vote in all decisions made by the Presbytery, but here their power ends. They have no power to ordain, though jointly with the ministers, they have a right to say whether a candidate shall or shall not be ordained.

Dr. Breckinridge maintains that ministers ordain only as rulers, and that as rulers they are on precisely the same footing with the ruling elders, and further that they are both of the same order of Presbyters, and that one ordination is sufficient for both offices whether the man be ordained a minister or a ruling elder. And not only so, but as ordination is a joint power, an individual minister can in no case ordain. What says our constitution respecting the ordination of ruling elders. Who ordains them, or in other words who sets them apart to their office? "The minister shall proceed to set apart the candidate by prayer to the office of ruling elder." Where is Dr. Breckinridge's joint power in this ordination; an ordination that in his view renders any other ordination for the ministry unnecessary? In the revision made in 1821, a section was added to the chapter "Of electing and ordaining ruling elders and deacons," in these words, "Where there is an existing session, it is proper for the members of that body, *at the close of the service*, and in the face of the congregation, to take the newly-ordained elder by the hand saying in words to this purpose, We give you the right hand of fellowship to take part of this office with us." But not one word respecting their taking part in the ordination service, or their assenting to it, except as part of the congregation. Dr. Breckinridge may, if he chooses, contend that it ought to be otherwise, I shall content myself with taking the fact as it is. There is need, indeed, that in the ordination of ministers, the ordaining power should be exercised with greater caution than may be requisite in the ordination of ruling elders, for in virtue of his office the minister himself is invested with the power of or-



daining others, and becomes also a joint ruler of the different churches connected with his Presbytery, and therefore in relation to the ordination of ministers, it is highly expedient that the power to ordain should be restricted somewhat in its exercise, so that not only the consent of the individual church, of which the candidate may have been chosen pastor, should be had, but also the consent of all the other churches of the Presbytery should be given through their representatives, the ruling elders; and further, it is altogether proper, that this power should not be exercised by one individual minister, unless by the appointment of all his fellow-ministers, each one of whom possesses the same power that he does, and who ought to share in its exercise.

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### XIII.

April 20.

“Our Form of Government,” says Dr. Breckinridge, “ch. viii. sec. 1 and 2, quotes Acts xv. 6, to prove the government of the church to be *jure divino* in assemblies congregational, classical, and synodical; and then in ch. x. sec. 1, and ch. xi. on the title, it quotes the same passage to prove that, *jure divino*, classical and synodical assemblies are composed of Pastors and Ruling Elders.” A mistake by the way, for the object of the references is to show the scriptural warrant for Presbyteries and Synods, and not to show how they are to be composed. He then says, “In ch. xv. sec. 14, 1 Tim. iv. 14 is quoted to prove that in ordination the hands of the Presbytery ought to be imposed; and in ch. x. sec. 1. the same passage is quoted to prove that many congregations are united in one Presbytery composed of Pastors and Ruling Elders.” The same mistake as before. Then after a few remarks, he adds, “Here, sir, I may boldly take my stand. These marginal citations clearly prove by scripture, that the doctrine asserted in our standards is that which I assert before you now: and that the men who put them there

and have kept them there understood these standards to teach this doctrine.” Has Dr. Breckinridge really persuaded himself that this just assertion is true, and that the framers of our “Form of Government” understood it to teach the doctrine for which he contends? Would it not be a thing most marvellous, that they cited these texts to prove that it is the right and duty of both ministers and ruling elders to take part in the ordination of ministers, and yet that their practice should have been in all cases at variance with their own understanding of our Form of Government and the word of God? What cannot a man believe that believes this?

Dr. Breckinridge was probably ignorant of the fact, that these very texts of scripture of which he speaks, as being cited in our standards, had been previously cited in the Westminster Form of Government for the identical purposes for which they are cited in our own. That the reader may compare the citations in the one work with those in the others, I will give such parts of the different passages referred to by Dr. Breckinridge, as the texts mentioned by him are designed to establish, and then the corresponding ones in the Westminster Form of Government.

Ch. viii. 1, 2. “And we hold it to be expedient, and agreeable to scripture and the practice of the primitive Christians, that the church be governed by congregational, *presbyterial* and *synodical* assemblies.” Reference, Acts xv. 6.

Their power is wholly moral or spiritual, and that only ministerial [and declarative. Acts xv. 6.

Ch. x. 1. “Hence arise the importance and usefulness of *Presbyterial* and *Synodical* Assemblies. Acts xv. 6. 1 Tim. iv. 14.

Ch. xi. “on the title.” The proofs adduced in favour of a Presbytery are said to be equally valid for a synod, but are not repeated.

Ch. xv. 14. Then the presiding minister shall, by prayer and *with the laying on of the hands of the Presbytery*, . . . solemnly ordain. 1 Tim. iv. 14.

The reference to sec. 2 of ch. viii. is irrele-

ant to the matter in hand, and the verse cited is but one of 32 verses referred to, and of itself does not prove the doctrine contained in the above extract from sec. 2 of ch. viii.

Extracts from the Westminster Form of Government.

"It is lawful and agreeable to the word of God, that the church be governed by several sorts of Assemblies which are congregational, classical, and synodical."

*Of classical assemblies.*—The Scriptures doth hold out a Presbytery in the church." 1 Tim. iv. 15, Acts xv. 6. and other verses in the same chapter.

*Of Synodical Assemblies.*—The Scripture doth hold out another sort of Assemblies, . . . which we call synodical." Reference, Acts xv. 6, and the verses of the same chapter.

"Ordination is the Act of Presbytery." 1 Tim. iv. 14.

These two "Forms of Government" agree as to the composition of a Presbytery, and if the marginal citations in our own Form prove that Dr. Breckinridge's doctrine is the doctrine of our standards, they also prove that his doctrine is the doctrine of the Form agreed upon by the Westminster Assembly, for they are cited for the very same purpose, in both. But unfortunately for his argument, the texts of scripture referred to are cited, neither in our own nor in the Westminster Form of Government to make good the definitions they respectively give of the composition of a Presbytery; and more unfortunately yet, the Westminster Form expressly declares that "Preaching Presbyters orderly associated, either in cities or neighboring villages, are those to whom the imposition of hands doth appertain."

Farther comment on this part of his argument must be unnecessary, as no one, it is presumed, can fail to see that his statement is erroneous and his conclusion false, notwithstanding the confidence with which he makes the one and maintains the other.

That before the adoption of our constitution in 1788, it was the uniform practice for ministers alone to ordain, is a fact not questioned, and that the same practice has been continued from

that time with like uniformity, until within a comparatively recent period, is a fact equally certain. Evidence of this the most abundant could be furnished, but as it is not likely in the present stage of the controversy to be called seriously into question, I will content myself with referring to the columns of the Presbyterian, and with inserting in this communication an extract from a letter written by the Rev. Dr. Green, in answer to certain inquiries which I made of him in relation to this and other matters:

Philadelphia, Jan'y. 25, 1844.

My Dear Sir:

Your communication of the date of yesterday is before me. without repeating your questions, I will answer them numerically. \*

1. I was a member of the Synod of 1788, which ratified the constitution of our church, and am the only member of that Synod who is now in life.

2. I never heard a suggestion from any member of that body, that the directory for ordination should be altered, so as to admit elders to impose hands in a minister's ordination.

3. I never heard of ruling elders imposing hands in ordination, before the adoption of the constitution of our church.

4. The imposition of hands in ordination by ruling elders is, with me, a perfect novelty. I never heard of it, or thought of it, till it was advocated by Dr. Robert Breckinridge. If he did not first start the subject I cannot tell who did.

Very sincerely and affectionately

Yours,

ASIBEL GREEN.

REV. DR. JOHN MACLEAN.

\* The questions to which the above answers were given by Dr. Green, were the following:

1. Were you not a member of the Synod of 1788, which ratified and adopted the constitution of our Church?

2. Did you ever hear the suggestion made in that body, or by any of the members of said Synod, that the Directory for ordination should be so altered as to admit of ruling elders imposing hands?

After reading the statement of Dr. Green can any one believe that it was the intention of the Synod of 1788 to make any change whatever in reference to the persons to take part in ordinations. But the fact that it was no unusual thing, before the adoption of the constitution in 1788, for a Presbytery to ordain by a committee of ministers, and that after 1788, this practice was discontinued, Dr. Breckinridge regards as evidence that it was the design of the framers of our Form of Government in requiring all ordinations to be by a Presbytery, and in no case by a committee of the body, to recognise the right and duty of ruling elders to take part in ordination itself, as well as in deciding whether the candidate shall be ordained. Could no other possible reason be given for the discontinuance of the practice of ordaining by a committee than the one assigned by Dr. Breckinridge, we could allow that there was some weight in his conjecture, although it contradicts all tradition in regard to this point, and not only so, but it involves a necessity for our believing that to attain an end, and an end too, in the estimation of Dr. Breckinridge, of vital importance to the Presbyterian system, the framers of our constitution, of set purpose, so worded our Directory for ordination as to allow ruling elders to impose hands in ordination, and yet in no one instance did they ever pay the least attention to the rule which they themselves had made, and made with design of bringing about a change.

By making the quorum of a Presbytery so small as to require the presence of only three ministers, instead of a majority of the whole number as directed in Pardon, the advantage on the score of convenience of appointing a com-

3. Before the adoption of the constitution by the Synod of 1788, did you ever hear of ruling elders taking part in the imposition of hands?

4. What is the earliest period in the history of our church, when so far as you know, it was ever maintained that it was the right and duty of ruling elders to take part in the imposition of hands?

mittee to ordain, over that of having a meeting of the Presbytery itself was entirely taken away, as in most if not in every case at least three ministers were required to take part in the ordination services: and there was a decided advantage gained in requiring the Presbytery to assemble; for in the first place there was the greater probability of always securing the attendance of a sufficient number of ministers to take part in the ordination, and in the second place the ministers met to ordain could, whenever there should be a call for it, attend to any other presbyterial business that might be brought before them, which in a Presbytery composed of ministers scattered over a wide extent of country and but few in number would often be a matter of great convenience to all concerned.

Much has been said by Dr. Breckinridge and others to convey the idea that those who favour the views of the last Assembly, rely almost exclusively upon the practice of the church, and they do this because they are not supported by the language of the constitution. On the contrary, we maintain that the words of the constitution fairly and justly interpreted, according to their true intent and meaning, teach the doctrine asserted by the Assembly, and we appeal to the practice of the church to show that our fathers who framed our directory for ordination understood these words in the very same way in which they were understood by the Assembly of 1843. Were we to grant, which we do not, that the words of the Book would admit of the construction given to them by Dr. B., it would not follow as a matter of course that his interpretation was the true one; for it might arise from the ambiguity of the terms, and in this case, though by themselves, or in given connexions, they might bear the signification assigned by Dr. Breckinridge, yet in the connexion in which they actually occur this interpretation might be farthest possible from the truth. Of one thing I feel confident, that it will be very difficult for Dr. Breckinridge to persuade the members, elders, and ministers of our churches that our fathers who framed and adopted our stand-

ards did not understand the import of their own language, or that having a correct apprehension of its meaning, they all of them acted in direct opposition to the intent and meaning of the rules which they had made for the government of the church. Nor will the disrespectful tone in which he speaks of the practice of the church serve his purpose. When he imagines, however erroneously, that the practice of our own or of other churches will help his cause, he is ready to refer to it; and it is not a little curious to observe how, like the guest of the sylvan god in the fable, he can blow hot and blow cold, with the same breath, according as it is important for him to do the one or the other. In his speech on the Quorum Question, when he conceits that the annulling of the "Six pretended General Assemblies," by the General Assembly of 1638, and the appointment of Ruling Elders as members of the commission to the Westminster Assembly, sustain his views respecting the Quorum of a Presbytery, he appeals with confidence to these cases, having previously remarked that the whole matter is "*res adjudicata*;" a matter of course that admits of no further dispute.

But when knowing enough of the practice of our own and other Presbyterian Churches, to know that the weight of authority is against him, respecting the imposition of hands in ordination, and had he known more of it, he would have known that it was all against him; he thus speaks: "The practice of other churches I do not pretend to have sufficiently examined into, to speak with confidence about it." "If we had certain information and a uniform practice, there might be some inducement to look into this idlest, vaguest, weakest part of the most uncertain of all rules of duty,—the opinions of men as weak, as ignorant, and as simple as ourselves." And yet after this sweeping assertion, he occupies not less than five columns of the Presbyterian with discussions to show that the testimony of the older Reformed Churches is in itself considered more for him than against him.

To make good this assertion, he begins with the Reformed Church of France, upon

which he bestows a just and glowing eulogy; and among other statements respecting the rules and practice of this church, he makes the following: "The confession of this church was drawn up, as is generally supposed, by John Calvin himself, and was adopted by several of its National Synods, including the first of the twenty-nine which met at Paris on the 15th of May, 1569. *By its ministers of the word were ordained by committee, which always consisted of two pastors deputed by a provincial Synod ora Colloquy (Presbytery).*" A very good beginning this, to prove that "this testimony is not only more for me than against me." I shall not detain the reader by a review of the sophistry and special pleading by which Dr. B. endeavors to evade the force of the fact which he could not deny, that in the Reformed Church of France, ordination of ministers of the word was always by ministers of the word, and that in no case did ruling elders ever unite with the ministers in the ordination services.\* The testimony of the Church of Geneva Dr. Breckinridge mentions in connexion with that of the Reformed Church of France, and admits that they agree.

The next testimony to which Dr. Breckinridge refers, is that of the *second* or *latter* Helvetic Confession. From the xviii. chapter of this confession, which treats of ministers, Dr. Breckinridge quotes the following passage: "*Et qui, electi sunt, ordinentur a senioribus cum orationibus publicis et impositione manuum.*" And those who are chosen ought to be ordained by Elders, with public prayers and imposition of hands."

But who, let me ask, are the Elders spoken of in this section? The ministers of the word, and only these. In the whole confession there is not one word about any other Presbyters or Elders than those who are also

\*From an enactment of the 17th General Synod, which met in 1603, it appears that to the ceremonies directed to be used in the ordination of Ruling Elders, the imposition of hands had in some of the churches been added, and this the Synod strictly prohibited. See Quick's Synodican, vol. I., p. 229.

called Pastors and Doctors. These are "the senators and fathers of the Church," mentioned in this confession, as "governing it with wholesome counsel," and the term, "Elders," like the terms "Bishops," "Pastors," and "Doctors," is given as a suitable appellation of the ministers, all whose offices, it is said, are summed up in these two, viz: preaching "the evangelical doctrines of Christ," and the lawful administration of the sacraments. "Officia ministrorum sunt varia, quæ tamen plebique ad duo restringunt, in quibus omnia alia confunduntur, ad doctrinam Christi evangelicam, et ad legitimam sacramentorum administrationem." Under these two are included among many others, "the rebuking of those who do amiss, the calling back of those that err;" "the driving away of wolves from the Lord's sheep fold," "the prudent and earnest reproof of acts of wickedness and of those who commit them," the preventing of schisms, &c.,—"corripere peccantes, revocare in viam errantes lupos denique ab ovili dominico abigere," &c.

"As if to put the matter out of dispute," says Dr. Breckinridge, "the subject is closed with the declaration, that those who *depose* and those who *ordain* are the same." Very good. I will now cite the passage, a thing not done by Dr. Breckinridge. "Inquirendum enim diligenter in doctrinam et vitam ministrorum, in Synodis. Corripiendi sunt peccantes a *senioribus*, et in viam reducendi, si sunt sanabiles, aut deponendi, et veluti lupi abigendi sunt per *veros pastores* a grege dominico, si sunt incurabiles." "In the Synods, careful inquiry is to be made into the doctrine and life of the ministers. Those who do amiss are to be rebuked by the Elders, if curable, or *to be deposed*, and as wolves to be driven away, by the *true shepherds* from the Lord's flock, if they be incurable." Who in this passage are the Elders by whom erring ministers are to be rebuked? Are they any others than the "true shepherds," the *pastors* of the Lord's flock, by whom they are to be deposed and treated as wolves if they continue obstinate? When in the xviii. ch. it is said of Presbyters "They are elders (*seniores*) and as it were sen-

ators and fathers of the Church governing it with wholesome counsel," the term is applied to ministers of the word just in the very same way that the term Presbyter, or Elder is applied to ministers of the word in our Form of Government, ch. iv. "Of Bishops and Pastors." "The *pastoral office* is the first in the church both for dignity and usefulness. *The person who fills this office*, hath, in scripture, obtained different names expressive of his various duties. As he has the oversight of the flock of Christ, he is termed *bishop*, as he feeds them with spiritual food, he is termed *pastor*, as he serves Christ in his church he is termed *minister*. As it is his duty to be grave and prudent, and an example of the flock, and to govern well in the house and kingdom of Christ, he is termed *presbyter or elder*," &c. "Do the terms *bishop*, *pastor*, *minister*, *presbyter*, designate the same person or different persons? Compare this extract with the following passage from the xviii. ch. of the Helvetic confession, "Licet ergo nunc ecclesiarum ministros nuncupare Episcopos, Presbyteros, Pastores atque Doctores." "We may therefore call the *ministers* of the churches *Bishops*, *Presbyters*, *Pastors* and *Doctors*," and this sentence is the very next one in order after those in which these several terms are defined, and among which is the definition of *presbyters* cited by Dr. Breckinridge, viz. "That they are Elders (*seniores*) and as it were senators and fathers of the church, governing it with wholesome counsel." Is more evidence needed, that in giving this definition of the term Presbyters, the design is merely to define one of the terms by which ministers may be designated, and not to point out the different officers in the church? Take the following passage from Calvin, "Cacterum quod Episcopos, et Presbyteros, et Pastores, et Ministros promiscue vocavi qui ecclesias regunt, id feci ex Scripturae usu, quæ ista vocabula confundit."

Had there been ruling elders in all the churches of Switzerland, this would come far short of being proof that ruling elders were included in the term "elders" in the first sen-

tence cited from this confession, viz. "And those who are chosen, ought to be ordained by the elders with public prayers and imposition of hands." It would still be an open question whether in this connexion, the term *elders* includes only ministers, or both ministers and those "usually styled ruling elders," for if the ordination were by the ministers alone, the rule would be fully complied with, inasmuch as according to the universal consent of all Presbyterians, ministers are elders. But as already remarked, no other elders are mentioned in this confession than the elders who are *ministers*, and the conclusion, therefore, is irresistible that, according to this confession, in the ordination of a minister not only the making of the ordaining prayer, but also the imposition of hands appertained to ministers only.\*

"It would be easy," says Dr. Breckinridge, to show the same doctrine from other confessions, for example those of the Bohemian churches of 1535, and of 1575, and various Professions of Polish and Lithuanian churches of the following century." When he shall undertake to show how easy a task it would be to prove what he says, it may become necessary to show that he understands as little about these as he does about those already examined. By assuming the very point in debate, viz., that, whenever elders are spoken of

\* We are told indeed that in the ancient church excommunication was practised, and that the people of God had ecclesiastical trials in which discipline was exercised by *prudent and pious men*. These doubtless are the prototypes of our ruling elders, but in the Helvetic Confession they are not elsewhere alluded to, and in this place they are spoken of merely as "prudent and pious men," to whom was entrusted the discipline of the church, under the guidance of the ministers.

"Cumque omnino oporteat esse in ecclesia disciplinam, et apud veteres quondam usitata fuerit Excommunicatio, fuerint que judicia ecclesiastica in populo Dei, in quibus per viros prudentes et pios exercebatur haec disciplina, ministrorum quoque fuerit, ad edificationem, disciplinam moderati hanc, pro conditione temporum, status publici, ac necessitate."—Ch. xviii.

in connexion with the ordination of ministers, ruling elders are included, he doubtless can make good his assertion. But this preliminary step he will find to be no easy task. Why did not Dr. Breckinridge introduce into his speech the testimony of the Belgic Confession to which he appealed with so much confidence in his "Spirit of the XIX Century" in answer to some remarks in the Princeton Review? Did he discover his gross blunder before it was pointed out to him in the last number of the same Review? and wisely include this testimony among that of the other churches he would pass over, with the testimonies of the Bohemian and Polish churches. With the Doctor's consent, I will give him some evidence respecting the Church of Holland, taken from the Rules of Church Government established in the National Synod held in Dordrecht, in the years 1618 and 1619—which, in a matter of this kind, ought not to be passed over. "A lawful call to persons not heretofore engaged in the ministry of the word consists: 1. *In a free choice.* 2. *In an examination.* 3. *In the approbation, &c.* 4. *In public ordination,* in the presence of the congregation, according to the form adopted for that purpose, accompanied with suitable engagements, exhortations, prayers, and *imposition of hands by the minister who presides at the ordination, and such other ministers as may be present.*"

Dr. Breckinridge's next appeal is to the testimony of the Kirk of Scotland.

It is on all hands conceded that in the time of Knox and of the first Book of Discipline, ministers were not ordained with imposition of hands. Nevertheless a candidate was admitted to the ministry by the chief minister declaring that he was appointed to serve the church by which he had been previously elected. In this ceremony of admission, the ruling elder, as such, took no part, but as one of the people, he no doubt united with them in expressing in a public manner their approbation of the person chosen to be their minister.

"The Second Book of Discipline," says

Dr. Breckinridge, "puts the whole subject of church order and discipline in the clearest light." It must of course then sustain Dr. Breckinridge's views; and so confident is he of this, that he concludes his observations on this book in these words, "It does seem to me to be the very height of absurdity, and an absolute contempt of common sense, for any one to contend, that according to the principles and the very terms of this instrument ruling elders are not permitted to impose hands in the ordination of ministers of the word." As doubtless in Dr. B.'s estimation, I have long ago arrived at this very height of absurdity, he will scarcely expect anything else of me than to deny that under the provisions of this "Second Book of Discipline," ruling elders are permitted to impose hands in ordination. But not only do I deny this, but I will go one step further, and maintain that during the time that this book was the law of the Scotch Church, ruling elders had no vote in deciding whether a candidate was qualified on the score of theological attainments to be a minister of the word, though they had a vote on the question whether or not he should be ordained.

As to the first point, it depends, as Dr. Breckinridge justly remarks, on the meaning of the term *Eldership* in the following passage: "The ceremonies of ordination are fasting, earnest prayer, and imposition of the hands of the *eldership*." There are four sorts of assemblies or elderships mentioned in this Second Book of Discipline. "For they are either of particular kirks and congregations one or more, or of a province, or of a whole nation, or of diverse nations professing one Jesus Christ."

Notwithstanding, "the Second Book of Discipline," according to Dr. Breckinridge, "puts the whole subject of church order and discipline in the clearest light," Dr. Breckinridge is unable to say to which of the different elderships, treated of in ch. vii. the power of ordination belongs. "There is," he says, "no direct statement in the instrument as to *which* eldership it especially appertains to ordain all per-

sons who bear ecclesiastical functions; perhaps it might by its terms appertain to every church assembly lawfully called and constituted." So much for the clearest light. Dr. Breckinridge next remarks, "But the evident burden of the whole places the power in the hands of the *particular eldership*." Very good. But what is a particular Eldership? It is the first of the four above named, viz. an Eldership common to several different kirks. "When we speak of the Elders of the particular congregations," says the Second Book of Discipline, "we mean not that every particular parish kirk can, or may have their own particular elderships, specially in landward; but we think three, four, more or fewer particular kirks, may have one eldership common to them all, to judge their ecclesiastical causes." This was at that time, their lowest church court, consisting of the ministers and elders of several associated churches.\* And it is about as clear as anything in the book that this Eldership had the power of ordination, and that the several Elderships in actual existence at that period, had also the power to ordain, yet it is probable that for the most part, it was exercised chiefly by the particular eldership. Speaking of this eldership, the authors of this book say, in ch. vii. "*The power of election* of them who bear ecclesiastical charges pertains to this kind of Assembly within their own bounds, being well erected and constituted of many pastors, and elders of sufficient ability." From a comparison of the above with the two following sentences in ch. iii. it is evident that "the *particular eldership*" had the right to impose hands in ordination. "This outward and ordinary calling hath two parts, *election* and *ordination*. *Election* is the choosing out of a person or persons . . . by the judgment of the *elder-*

\* And this fact is sufficient to account for the ground taken by Calderwood, in the Assembly of 1647, that the session of an individual Church was only a commission, with a delegated power, from a Presbytery, the individual churches not having at the first separate sessions. See Baillie's Letters, No. 175.

ship. The ceremonies of *ordination* are fasting, earnest prayer and imposition of the hands of the *eldership*." The same *eldership* is evidently meant in both sentences.

Now since the imposition of hands appertains to the particular eldership, constituted of many pastors and elders of sufficient ability, are not the elders to take part in the imposition of hands? I answer confidently, No. And now or the proof.

Among the powers expressly conferred upon the particular eldership is the "power to excommunicate the obstinate" and it is expressly said, "It pertains to the eldership to take heed, that . . . the discipline be rightly maintained:" see ch. vii. in which these passages occur; and compare them with the following in ch. iv. "It appertains to the *minister*, after lawful proceeding by the *eldership*, to pronounce the sentence of binding and loosing upon any person, according unto the power of the keys granted unto the kirk." "And generally all public denunciations that are to be made in the kirk before the congregation concerning ecclesiastical affairs belong to the office of a minister, for he is a messenger and herald betwixt God and his people in all these affairs."

From these passages it is evident that according to the principles of the "Second Book of Discipline," it appertains to the entire eldership to decide all matters within the compass of its jurisdiction, but when the decision is made, the declaration or execution of the decision belongs to the office of a minister, and it matters not whether it be done by words or by signs, and this too is the doctrine of the Second Book of Discipline, for it expressly teaches, in ch. iv. that instruction may be addressed to the eye as well as to the ear, and assigns this as the reason why the administering of the sacraments as well as the preaching of the word, appertains unto the pastors only.\*

\* "Unto the pastors appertain the teaching of God's word," &c.

"Unto the pastors only appertains the administration of the sacraments, in like manner as the administration of the word; for both

In deciding the question whether a man shall be ordained by the imposition of hands, the whole eldership voted, but the actual imposition being a public declaration of the fact that the man is set apart to the office of the ministry pertained to the ministers alone, just as in the cases of excommunication, and in the milder forms of discipline, it appertained to the entire eldership to decide whether an individual should be cut off from the church or otherwise censured, but when the decision was once made, it was the office of the pastor alone to pronounce the sentence, whatever that might be. And whether the rules laid down in the Second Book of Discipline gave rise to the practice of which Steuart speaks in the following passage, or whether these rules merely rendered obligatory, what previously had been customary and optional; it is evident, that from the very time in which imposition of hands began to be practised in the Reformed Church of Scotland, it was practised by the ministers alone. "In the Assemblies of the church . . . ruling elders have right to reason and vote in all matters coming before them . . . as ministers have. . . . Howbeit by the practice of the church the execution of some decrees doth belong to pastors only, such as the imposition of hands, the pronouncing the sentences of excommunication and absolution, the receiving of penitents, the intimation of sentences and censures about ministers and such like." See Steuart I. vii. 9.

This explanation of the words, "imposition of the hands of the eldership," in the Second Book of Discipline, is confirmed by the use of an analogous form of expression in the Westminster Form of Government, in which, be-

are appointed by God, as means to teach us, the one by the ear, and the other by the eyes and other senses, that by both knowledge may be transferred to the mind."

In accordance with this is the language of the authors of the "Jus Divinum Ministerii Evangelici," respecting the imposition of hands. "We use it not as an operative ceremony, but as a moral sign to declare publicly who the party is that is set apart to the work of the Ministry." ch. xii.



yond all dispute, ministers only are meant, when it is said: "The Presbytery . . . shall solemnly set him apart to the office and work of the ministry, by laying their hands upon him," &c. Under the Westminster Form of Government, the Presbytery or eldership consisted of both ministers and ruling elders, as was the case under the second Book of Discipline, and yet in imposing hands, the ministers alone are spoken of as the Presbytery. Why shall we, then, not only without evidence, but contrary to evidence, maintain, that by the term "eldership," in the phrase above cited, we are to understand the entire body composed of both ministers and elders? The explanation which I have given of the clause in dispute is farther confirmed by the fact, that there is no evidence that while the second Book of Discipline was the law of the Scottish Church, Ruling Elders ever imposed hands, in ordinations. While the current of testimony as to the practice of the church, and as to the construction given to the rules respecting ordination, is against the position taken by Dr. Breckinridge.

For eleven years before he received imposition of hands, Mr. Robert Bruce, a pupil and intimate friend of Melville, was one of the pastors of the Church in Edinburgh, and that too during the very time when the Second Book of Discipline was the law of the church, and was held in the highest repute. The ceremony of imposing hands was yet held to be a matter of indifference, and being so regarded it was probably often omitted in the admission of Pastors, because the Romanists and Episcopalians held it to be a rite essential to ordination, and to be practised by prelates alone. But be this as it may, Bruce became a Pastor, without receiving the imposition of hands, and when he was required, by the King and the Commissioners of the General Assembly, to receive it, under penalty of being dismissed from his post, he made no objection on the ground that none but ministers were appointed to receive him, and impose hands, but simply on the ground that he was already a pastor without the imposition of hands, and

he would not consent to submit to any measure that would call into question the validity of his ministry. As a confirmation of his ministry, and not as a new ordination, he consented to receive, and did receive imposition of hands. The persons appointed to attend upon this business, were Robert Pont, James Nicholson and Thomas Buchanan, all ministers. It was probably about this time that the several churches began to have their respective sessions. Years before this, and while the Second Book of Discipline, called also the Book of Policy, was in framing, according to Calderwood, or just after it was ratified, according to James Melville, Patrick Adamson, archbishop of St. Andrews, to satisfy Andrew Melville and his friends that he was fully with them, signed certain propositions, from which I extract the following passage: "The ordaining and appointing of pastors, which is also called the laying on of hands, appertaineth not to one bishop only, so being lawful election pass before, but to those who are of that same Province or Presbytery, and with the like jurisdiction and authority minister at their kirks."

In no one of the standards of the Scottish Church, and by none of the Presbyterians of Scotland, were ruling elders ever called bishops, Adamson, therefore, in the above sentence, speaks of the ministers of the Presbytery as those to whom appertained the imposition of hands. Had it been the doctrine of the Second Book of Discipline, that it was the right and the duty of ruling elders to impose hands, and that to limit imposition of hands to ministers tended to degrade the office of ruling elder, and was the offspring of hierarchical sentiments, as is maintained by Dr. Breckinridge, Adamson surely would never have expected Melville and the other friends of the Second Book of Discipline to be satisfied with any such declaration as the one above cited.

In a letter addressed to "the Pastors of the Kirk of Geneva and Tigurie," (Zurich) Andrew Melville has these and like words, ". . . concerning matters of discipline, seeing whatsoever we have in that matter, we willing-

ly and plainly confess to have received it of you; and that we altogether agree with you in all points, so marvellously do our minds and wills by the virtue of God's Spirit, consent in an harmony." See James Melville's Biography, p. 157. Who has any doubt as to the course pursued at Geneva in the ordination of ministers? What then are we to infer from this declaration of Melville? Shall we believe that in the Church of Scotland, contrary to the rule and practice of the Church of Geneva, and of Zurich, and in short, of all the reformed churches, ruling elders imposed hands in the ordination of ministers, or that the Second Book of Discipline, in giving merely the heads of policy, designed to teach any such doctrine.

In his controversy with Tilenus, Calderwood maintains that there is no impropriety in calling the imposition of hands, the laying on of the hands of the Presbytery, though all the members of Presbytery may not have the right to impose hands," and he admits the fact charged by Tilenus, that ruling elders did not take part in the imposition of hands, and which was urged by Tilenus as an acknowledgment that ruling elders should not be members of Presbytery, and he further admits that "the imposition of hands which is joined with prayer and the benediction is to be confined to the pastor or teaching elder." He held indeed, that "as a sign of consent and assistance, Ruling Elders could impose hands," as is done by the Presbyters in prelatical ordinations, and not only so, but intimates very clearly, that in his opinion, private members of the church might do the same. See his *Altare Damascenum*, pp. 689-690. Whether his opinions be well or ill-founded in regard to these points, and it is a matter of little moment whether they be or not, one thing is certain from his testimony, viz., that in the time of Melville, ruling elders in Scotland did not impose hands in the ordination of ministers. And would this have been the case if their statute book taught that imposition of hands belonged equally to ministers and ruling elders?

To the testimony already adduced to the

proper construction of the Second Book of Discipline respecting the imposition of hands in ordination, I will add the following passages from Henderson, Rutherford, and Guthrie, given in the appendix to the Rev. Dr. Miller's Sermon on "The Warrant, Nature, and Duties of the office of ruling elder." Henderson's treatise was published in 1641, Rutherford's in 1642 and Guthrie's about 1650. Speaking of the practice observed at the ordination of ministers, Henderson says, "The minister cometh from the pulpit, and with as many of the ministers present as may conveniently come near, lay their hands upon his head, and in the name of Jesus, do appoint him to be pastor of that people." In his treatise, entitled "A Peaceable Plea for Paul's Presbytery in Scotland," Rutherford says, "Everywhere, in the word, where pastors and elders are created, they are ordained by Pastors."—p. 27. "Ordination of pastors is never given to people, or believers, or to Ruling Elders, but still to pastors, as is clear from 1 Tim. v. 22, Titus i. 5, Acts vi. 6, Acts xiii. 3, 2 Tim. i. 6, 1 Tim. iv. 14."—p. 190.

In his treatise of Elders and Deacons, Guthrie says, "Howbeit the execution of some decrees of the Church Assemblies, such as the imposition of hands—the pronouncing the sentence of excommunication—the receiving penitents—the intimation of the deposition of ministers, and such like, do belong to *ministers alone*." The accomplished antiquary to whom Dr. Miller acknowledges himself indebted for the communication from which the above extracts have been made, says in his letter to Dr. M.: "Guthrie follows throughout the rules laid down in the First and Second Books of Discipline." Now is it to be believed that these men would have written thus, if it had been the law or practice of the Church under the Second Book of Discipline for Ruling Elders to unite with ministers in imposing hands? Is it credible that Henderson should have done so, who was moderator of the Assembly of 1638, which one or two years before he wrote his treatise, entitled "The Government and Order of the Church of Scotland," passed an act respecting the Assemblies of

the Church, including Kirk Sessions, Provincial and National Assemblies, from which I extract the following passage: "The Assembly findeth it necessary to restore, and by these presents restoreth all these Assemblies unto their integrity in numbers, privileges, powers and jurisdictions, as they were constituted by the aforesaid Book of Policy."

Would it not have been a most singular restoring of them to their integrity by abridging the rights of one of the classes of which these Assemblies were composed? If then, a comparison of the different rules laid down in the Second Book of Discipline, leads to the conclusion that, according to the true meaning and intent of the clause, "imposition of the hands of the eldership," ministers alone were to take part in this ceremony; and if this conclusion is fortified, by the constant and uniform practice under the rules laid down for the ordination of ministers in said Book, as evidenced by the authorities above cited, and if too, this practice corresponds with the uniform practice of the Kirk of Geneva, after which, Melville says, that of Scotland was modelled, and with which it perfectly corresponded, what are we to think of the judgment of Dr. Breckinridge in this matter, who without producing one single authority, or citing a single instance to sustain his construction of the rule, ventures to say, "it does seem to me to be the very height of absurdity and an absolute contempt of common sense, for any one to contend that according to the principles and very terms of this rule, Ruling Elders are not permitted to impose hands in the ordination of ministers of the word."\*

\*When James was laboring to subject the Church wholly to the Civil Power, he caused to be drawn up certain questions to be resolved at the Convention of the Estates and General Assembly, appointed to be held at Perth the last of February, 1596. To these questions answers were proposed by sundry ministers of the Synod of Fife, and strenuous defenders of the Second Book of Discipline. The questions and answers are given in James Melville's Diary, and the Synod is much commended by him for their fidelity in this matter.

Dr. Breckinridge's next appeal is to the Westminster Directory for Ordination, in regard to which I should deem it unnecessary to say a single word in this connexion, having already shown fully the doctrine of this work, had it not been for Dr. Breckinridge's most unwarrantable assumption that the whole Directory was devised for an unsettled and extraordinary state of the Church, and that it "contemplates the extraordinary state of affairs actually existing." How Dr. Breckinridge could make such a statement as this, I cannot venture to form a conjecture; having before his eyes the clearest evidence to the contrary, in a sentence immediately preceding one which he quotes. The sentence to which I refer is the following and it occurs near the close of the Directory. "Thus far of ordinary rule, and the course of ordination, in the ordinary way; that which concerns the extraordinary way requisite to be now practised, followeth;" and then follows a sentence,

From these questions and answers I select the following, and they will show that according to the construction then given by these most strenuous advocates of the Second Book of Discipline, Ruling Elders possessed less power in Presbytery than under our own system of Church Government.

"Question 1. Is not the consent of most part of the flock, and also of the Patron, necessary in the election of the Pastors?"

"Answer. The election of Pastors should be made by them who are Pastors and Doctors lawfully called, and who can try the gifts necessarily belonging to Pastors by the Word of God, and to such as are so chosen, the flock and the Pastors should give their consent and protection."

"Question 17th. Should not the Elders and Deacons of each particular session have vote in the Presbyteries, or the Pastors only?"

"Answer. Elders also having commission from their sessions in *matters of manners*, like as also Deacons in the Poor's affairs, and patrimony of the Kirk."

"Question 21. Should all who have vote in the Presbyteries, and also in the particular sessions, have vote in Synodical Assemblies?"

"Answer. The Pastors and Doctors, and such as have commission from particular sessions of Congregations have vote, except in matters of Doctrine, wherein only they that labour in the Word may vote and judge."

which he has quoted, beginning with these words, "In these present exigencies," &c. And were there no such sentence in the Directory, as the one cited above, the very design in drawing up a system of Church Government including a Directory for Ordination, viz. to secure a uniformity in this whole matter, in the united kingdoms of England and Scotland, would be conclusive as to the fact that the Directory was designed for a permanent state of things. I need scarcely say that the testimony of this Directory is directly opposed to his views.

With respect to the Westminster Directory, he has some remarks, the apparent design of which is to produce the impression that the forms directed by it to be observed in the ordination of a candidate to the ministry, were not observed by the Church of Scotland; and as if it really furnished any countenance to these remarks, he refers to the Act passed by the Assembly of 1649, which merely directs what measures are to be pursued in the election of a Pastor, and says not one word respecting the mode of investing him with the pastoral office. The very title of the Act is "Directory for the Election of Ministers."

Dr. Breckinridge concludes his appeal to the testimonies of the different Presbyterian Churches by a reference to that of our own. As I have already said so much on this branch of the subject, I will detain the reader but a moment longer than may be sufficient for him to peruse the following extracts from an account given by the late Rev. Samuel Davies, of the ceremonies observed at the ordination of the Rev. Messrs. Patillo and Richardson in Cumberland Co., Virginia, July 13th, 1758, and from a sermon preached by President Davies at Hanover, Virginia, June the 9th, 1557, at the ordination of the Rev. John Martin.

"But here a question lies in our way which has been much agitated in the world, to whom does the power of ordination belong? To a Presbytery, that is, to a collective body of ministers of the same rank and order? or to a Bishop, that is to a minister of superior order to the rest of the clergy?" He answers these

questions, 1. That the power to ordain does not belong to a diocesan bishop. 2. That it does belong to a presbytery. 3. That it "belongs to ministers in general." Then after a record of the questions proposed to the candidates, are the following words: "Here Mr. Patillo and Mr. Richardson kneeled down, and the Presbytery laid their hands upon them, and he that presided offered up a solemn prayer over them agreeably to the materials recommended in the Westminster Directory on this head."

"And as a token of our receiving you into ministerial communion as members of this presbytery, we give you the right hand of fellowship." Then follow these words; "Here each member of the Presbytery gave Messrs. Patillo and Richardson his right hand?" What Presbytery! "a collective body of ministers of the same rank and order," is President Davies's own definition of the term Presbytery. And in the sermon referred to he tells us, "To the office of a gospel minister then, it belongs to preach the word; to administer the sacraments; to concur in the ordination of persons duly qualified to this office, and to rule the church of God." Do preaching and the administration of the sacraments pertain to the office of the Ruling Elder? If not, then Ruling Elders do not belong to the "collective body of ministers" of which President Davies speaks. If then thirty years before the adoption of our Constitution, ministers were spoken of as the Presbytery in the ceremonies of ordination, and each member meant only each minister, have we not here a strong confirmation of the ground I have taken in these letters, that in ch. xv. 14 of our present Directory for ordination, viz. that "the laying on of the hands of the Presbytery" means the laying on of the hands of the ministers, and that the phrase "all the members" means all the ministers, just as in the passage cited from the form given by President Davies "each member" meant each minister. Shall we then to please Dr. Breckinridge cease to follow the practice of the fathers of our own Church, and the example of all the different branches of the Presbyterian Church

in our own and other lands? How long shall we continue to enjoy quiet, and our church be left at liberty to devote all her energies to the direct advancement of the interests of religion, if she yield to his present demands? Will his agitations cease if we now give up? Of this we can have but little hope, for he has told us, that all churches require frequent reformations. How many more we are to have yet, if Dr. Breckinridge is to have his way, is of course a matter unknown to any mortal mind.

I have now brought to a close the strictures which I proposed to make upon the arguments and statements of Dr. Breckinridge, as presented in his two speeches before the Synod of Philadelphia. As I believed the speeches to be of a mischievous tendency to the interests of the Church, and the spirit pervading them to be anything but what it should be, I have not hesitated to expose as fully as I could the unsound reasonings and the inaccurate statements of Dr. Breckinridge. Occasionally, too, I have animadverted upon some of the more exceptionable language employed by him when speaking of those opposed to his views. Dr. Breckinridge has probably yet to learn, that positive assertion, great pretensions to minute and extensive research, and a contemptuous style in speaking of those who venture to call into question his opinions or his schemes, are not the best weapons with which to assail an adversary, or to defend himself. Without the least call for it, he charged a majority of the ministers in the last Assembly with being prejudiced against the rights of the Elders, and a majority of the Elders with being blind as to their own rights and privileges. He also charged the same Assembly with

countenancing views which have a tendency to subvert the liberties of the Church and to prepare the way for a hierarchy; and he has warned the coming Assembly, that if they do not adopt his views and condemn those of the last, it will be owing to the circumstance that "God is angry with us for our sins." "Miserable sophistry," "supremely absurd," "stark nonsense," "utter folly," "idle professions of respect," "open deserters of their covenanted calling," and such like, are the phrases which he has applied to the persons and to the real or supposed sentiments of some of his opponents. Had his speeches been printed as soon as they were delivered, considerable allowance might be made on the score of temporary excitement occasioned by the circumstance that he was aware that a large majority of those to whom his remarks were addressed were opposed to his views. But they were delivered, one on the 20th, and the other on the 23d of October last, and were not published, the first until the 9th of December, and the second until the 30th of December and 6th of January.

Dr. Breckinridge, it seems to me, speaks and writes of others, as if he regarded himself at liberty to say of them just what he pleases and just in what way he pleases, perfectly regardless of their feelings or those of their friends, and yet he expects nothing but the utmost deference to be paid to his person and opinions. If this gentleman does not always receive measure for measure for the unbridled license in which he sometimes indulges, he ought to know that it arises in some cases at least, much more from the respect which those assailed have for themselves and for the ordinary courtesies of life, and above all, for the proprieties of Christian intercourse, than from any deference to his person or opinions, or from any fear of his abuse.

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